

REGULAR COMMON COUNCIL MEETING OCTOBER 4, 2010 7:00 P.M.

Regular Meeting

The Regular meeting of the Common Council of the City of Middletown was held in the Council Chamber of the Municipal Building on Monday, October 4, 2010 at 7 p.m.

Present

Mayor Sebastian N. Giuliano; Council Members: Thomas J. Serra, Vincent J. Loffredo, Ronald P. Klattenberg, Philip J. Pessina, Gerald E. Daley, Joseph E. Bibisi, Hope P. Kasper James B. Streeto, Grady L. Faulkner, Jr., Deborah A. Kleckowski; Corporation Counsel William Howard, Sergeant-at-arms Sergeant Richard Davis; and Common Council Clerk Marie O. Norwood.

Absent

Council Members Robert P. Santangelo and David Bauer.

Also Present

One Hundred members of the public

Meeting Called to Order

The Chair calls the meeting to order at 7:03 p.m. and asks Joyce Kirkpatrick to lead the public in the Pledge of Allegiance.

Call of Meeting Read

The Call of the meeting is read and accepted. The Mayor declares this call a legal call and the meeting a legal meeting.

Motion to Accept Agenda

The Chair states he will entertain a motion to accept or amend the agenda. Councilman Serra moves to amend the agenda by substituting Agenda Item 15 Mayor's Appointments to include the Youth in Government Appointments and to move appointments as the next agenda item; and add agenda item 14-9, approving a bid waiver in accordance with Chapter 78-8 of the Middletown Code of Ordinances to allow Xenelis Construction to install the Amano Revenue Collection System at the Riverview Parking Garage at a cost not to exceed \$155,000; and agenda Item 14-10, approving a bid waiver in accordance with Chapter 78-8 of the Middletown Code of ordinances to allow Xenelis Construction to make improvements and repairs to the Riverview Center Parking Garage in an amount not to exceed \$35,000.

Councilman Pessina seconds the motion. The Chair states the amendments are in order and no discussion is indicated. He calls for the vote. It is nine aye votes by Council Members Serra, Klattenberg, Pessina, Daley, Bibisi, Kasper, Streeto, Faulkner, and Kleckowski; and one nay vote by Councilman Loffredo. The Chair states we have nine aye votes and the agenda is amended.

Point of Order

Councilman Loffredo raises a point of order. On the agenda is item 9-2 under confirmation and his point being is that the resolution is inappropriately brought forward for a variety of reasons; currently there is no vacancy except the chief of police and it was not reviewed by the Personnel Review Commission and he moves it out of order. The Chair responds he will allow Councilman Loffredo to reserve the point of order; if agenda item 9-1 is not adopted, 9-2 will not go forward. He doesn't want to take the time to debate this at this time. It can be raised at the time they get there. Councilman Loffredo agrees to this.

Agenda Item Description (Approved)

Mayor's Appointments

The Chair moves to Item 15, Mayor's appointments and he will take them out of order and begins with the City Youth in Government appointees and he asks them to step forward as their name is called so that the public can see you. He reads the names on the list. The Chair states these young people will serve for the next year as youth representatives to the boards and commissions we just named. Councilman Loffredo moves their confirmation; Councilwoman Kleckowski seconds the motion. The vote is called, asking those in favor to vote aye. It is unanimous to approve with ten aye votes and two members not present and not voting. All your nominations have been confirmed. Congratulations. The Chair states you will be notified to get sworn in.

City of Middletown – Youth in Government Program

Youth Participation in Government; Boards; Committees; and Commissions Roster 2009-2010

Board of Health

Morgan Feshler Estelle Gyimah

Citizens Advisory Committee

Danielle Harris

Design Review and Preservation

Robert Dodenhoff

Long Hill Estate Authority

Pauravi Chhaya

Middletown Commission on the Arts

Chelsea Rak Cristian Narvaez

Middletown School Readiness Council

Courtney Perales

Parks and Recreation Commission

Jalen Jones Dhruvi Patel

Redevelopment Agency

Amelia Teape

Youth Services Advisory Board

Michele Lau
Paige Wade-Willoughby
Marco David
Leon Chandler
Jason Sinagra
Jada Green

Human Relations Commission

Garrett Rice-Earl Mateo Henao

Committee Concerning People with Disabilities

Chelsea Pantano Mckenzie Gueverez

The Chair reads the appointments for the Parking Advisory Committee and the Water Pollution Control Authority. Councilman Serra moves them for approval and is seconded by Councilman Loffredo. There is no discussion. The Chair calls for the vote, and it is unanimous with ten aye votes. The Chair states the matters pass with ten affirmative, no negative votes and two absent and not voting.

Parking Advisory Committee:

Reappointment of Jennifer Alexander to August 31, 2013 Reappointment of Marc Levine to August 31, 2013.

Water Pollution Control Authority:

Appointment of Emanuel DiMauro to fill a vacancy to July 31, 2014.

Agenda Item 3-1

Proclamation for Arts and Humanities Month

The Chair states he has a proclamation to present for National Arts and Humanities Month and to claim October as National Arts and Humanities Month in Middletown. He asks Joyce Kirkpatrick to accept it on behalf of the Middletown Commission on the Arts. He reads the proclamation. Ms Kirkpatrick states she wanted to use the moment to thank you and the Council for supporting the arts. They are important to the people of Middletown. She thanks the volunteers, Council members and two student government representatives for their work on behalf of Middletown residents. In those 38 years, Middletown has seen tremendous growth in the arts and it is a local economic generator. He has brought to the Council and Mayor a definition of the Arts. Happy arts and humanities month to everybody. Councilman Serra congratulates the Middletown Commission on the Arts for their 38 years of service.

Middletown Fire Department and Fire Marshal's Office Presentation:

The Chair recognizes Lt Daquila from the Fire Marshal's Office along with Chief Ouellette. Lt. Daquila states on behalf of Fire Department and Union 1073, he would like to make a short presentation on the Fire Ops program. Brian Franks addresses the Council. They appreciate you for this time and thanks minority and majority leaders for being on the agenda. Union 1073 ran their first Fire Ops Program to educate local and State elected officials. It was a great success based on positive feed back from the elected officials and media. Local 1073 and the Middletown Fire Department thanks each and every participant. When your name is called, please come forward and receive your helmet and certificate as a reminder of what you accomplished that date. Those who participated were Mayor Giuliano, Personnel Director Milardo, Councilwoman Kleckowski, State Representative Lesser,

Middletown Press Reporter Federico, and Councilman Santangelo who is not here this evening and we will get the helmet to. As Chair of the program he thanks them for their hard work and thanks Local 1073; without them, we could not have had this program. Mayor and Council members and participants thank you for your support. The Chair states having participated in that and Councilwoman Kleckowski and the Personnel Director can speak to this. We learned things we certainly didn't appreciate. He learned it is a young person's job and not one he could do on a daily basis. We did a rescue operation in a smoke filled stairwell at 200 degrees; Lt. Daquila responds it was 800 degrees. Mayor Giuliano states we used a hose; vented a roof using a chainsaw and the real fun was the doors cut apart with the Hurst tool. You can't take a break. You go until it is done. You can't stop until the fire is out. It is extremely intense. We knew we were not in danger; the fire trailer was under control at all times. They could shut it down and they were there to rescue us. The real deal that is not the case. We found out that we have reps from the New Haven Fire Department helping. They told us they respond to a one floor family, wood frame house with 24 trucks. That is what they see all the time and a fire in a structure like that we respond with 13. We do the same thing with half the staff. We have to recognize their abilities and training, all our Public Safety personnel. We ask them to do a lot and you don't appreciate what they do until you need it. He expresses his appreciation for the fire services, police, EMT's and emergency management people for keeping us safe. Thank you very much.

Councilwoman Kleckowski gives a special thanks to Brian Franks; it was unnerving even though the situations were under control. I thank everyone who helped keep us at ease and it was a great experience. She encourages anyone who gets the opportunity to try it. Thank you and special thanks to Brian Franks. It was a fun day. Matt Lesser echoes what has been said. He thanks Sal Daquila. He is profoundly professional. It is scary going into an 800 degree building and it was a piece of cake. We take it for granted what our uniformed fire fighters live with on a day to day basis; to go into a building and feel your ears on fire gave me a new appreciation for the level of service you provide on a day to day basis. Thank you for the experience for opening my eyes and I will remember in the coming years. The Chair states the Personnel Director got to swing in the Swiss seat and demonstrated the high Ms Milardo states she wants to thank her shadow Chris level rescue. The knowledge they brought to us was phenomenal. She has worked with the police and fire unions for 13 years and stated she would forgive them for getting stuck on the chair and she was choking. This is something that any fire fighter can go through. They got me down in one piece. We only experience 1/100 of what they experience.

The Chair states Hillary Federico represented the Press and they found equipment to fit you. You did everything we did. She states yes. The Chair states the firefighters are wearing pink t-shirts to recognize breast cancer awareness month and represent Susan B. Komen Fund. He encourages everyone to purchase one. We will be doing something at City Hall with jean day with the T-shirt. Thank you for the exercise and for your efforts on breast cancer awareness.

Agenda Item Description

그 Approval of Minutes

The minutes of the regular Common Council meeting of September 7, 2010 at 7 p.m. meeting; Special Meetings of September 7, 2010 at 6 p.m., and September 9, 2010 at 7 p.m. having been deposited with the Mayor and Corporation Counsel and copies of the same having been served on each and every Council Member, the reading of the same having been dispensed with, Councilman Streeto moves them for approval and is seconded by Councilman Klattenberg. There is no discussion. The Chair calls for the vote. Councilwoman Kasper abstains from the vote on the September 9, 2010 minutes. It is unanimous to approve with nine aye votes. The Chair states the matter passes with nine aye votes and one abstention, and two absent and not voting.

Agenda Items Description

5 and 6 Public Hearing Opens

The Chair opens public comment on agenda items at 7:32 p.m. and reminds the public of the five minute rule.

Larry McHugh asks that the Council table the resolution on the change of the parking garage site from Arcade to Melilli. He states questions need to be answered. Some of us are in favor of Melilli, but we have just as many in favor of the Arcade. Many of them have stated they don't want a five story garage at the entry of Middletown. It is beyond the ambience of our town. At

the Arcade that is the one site for major economic development where an office building can go and they could use the garage. He states they don't have a consensus at this time. He asks that it be tabled. We feel this has been moving very fast at this point and we have not had the central business discuss this fully. Mr. Hartley is doing a great job as Parking Director. He also urges on the Ordinance in agenda item 14-1, he is in favor of the increase of fees on Main Street, but to take the permit fees to \$75 or \$150 can cause some problems. The concept, I am in favor of and if you move forward, you have a step increase in the numbers so people would not be hurt. We have had two hours and one hour free parking and it is a major impact. You can't come downtown in an hour so we would have you look at that. He applauds what you have been doing and I know we can get a consensus. He would like it tabled.

Point of Information

Councilman Serra has a point of information relative to the majority Council. We will be doing that because we are not satisfied with some of the answers. We will postpone to time certain, two months from now. The Chair states why not do that at the appropriate time.

Point of Order

Councilman Pessina states he has a point of order and the minority has deep concerns on the fees.

The Chair asks for members of the public to address agenda items. Lucy McMillan speaks in support of Acting Chief of Police McMahon. There are many things the Chief does and we cannot be a reflective chief police if you don't know your community. I appreciate his responsiveness to his neighborhood. She names three examples. He thinks his support to the community is refreshing and what the community needs.

Dan Drew speaks to agenda item 9-1. I think how you vote tonight is how we prioritize. Some of the information we have been presented has been less than forth coming. We were told that it would be an equitable process. There was an assessment group and a town panel. He applauds the Mayor for that. The first panel was dismissed because information was leaked and the second panel selected the outside candidate. The Mayor then used the first panel that was dismissed. The Mayor acknowledged to the public that the Mayor made his nomination before the selection process. The selection was made and we went through the charade of a search. We as a community were told we were getting a fair and equitable search. This has been a duplicitous process. If you vote to endorse to confirm the nomination, you will be endorsing that process. you will be saying the truth does not count in Middletown. A lot of people are distrustful of government and we should not work to solidify the views. This is about integrity about what we do. This was not an honest process and if you confirm you will tar the reputation of the City.

Sal Caracoglia states he has a lot to say. He has been here many times. He is probably the most knowledgeable person about the gossip in town and in the secret life of this town. He is here to support the Mayor's choice of selection for one reason. We have probably one Mayor who is honest and not corrupted in the City of Middletown. This guy talks about charade. You are wet behind your ears. You don't know what is going on. Lets talk about what was said. This is a charade with a selection made from one panel and another. In 1995 there was hiring practice and three openings in Middletown and twenty-five applicants. The Mayor was Serra and he picked 23, 24, and 25 and he could have picked 1 through 22. If I were Mayor, I would pick 1, 2, and 3. this only happens in Middletown. No one in the City of Middletown has had the view of appointing and wasting City money and that is what the democrats have done in the City. We have had two deputy chiefs. One was Mr. Pessina and one was Baldoni. Somehow the democrats didn't like him and he was next in line to be Chief; they appointed a female who was not qualified to be deputy chief. It was a waste of Money. Mr. Loffredo you are the most intelligent person on this Council; why such a smart intelligent person defends the corrupt politician. Since you are liberal democrats, why on October 6, 2006 you passed a resolution to deny every citizen their first amendment rights. The Chair states it is time. You used your five minutes. Mr. Caracoglia states you have denied every citizen their right to speak because you eight democrats don't want people to know what is going on in this chamber hall. The Chair states you used five minutes and you can come back.

Bob Spencer states he is not a resident, but is a member of the community as staff at YMCA. He has a point of view he would like to share. He appreciates the Council will sort through these experiences. He shares his positive experience with working with Pat McMahon. He has always been receptive to my concerns and that is a breathe of fresh air. He is a celebrity reader to our preschoolers. Some of the kids in the classroom were afraid of a policeman walking into the room. Now when he comes in, the kids are

receptive to him. He has transformed that mindset and attitude. He hopes they will endorse the Mayor's nomination.

Amy Waterman speaks to urge the confirmation of the Mayor's appointment and the Deputy Chief. She is impressed in their handling their acting positions. She has worked with them. Greg Sneed during the monthly meetings that he attends he has always been open and willing to work with the community. She got to know Acting Chief McMahon who goes above and beyond the Middletown Community. He comes in during her class during reading. His character is something we need to have in our community.

A Preschool teacher at the YMCA speaks in support of the confirmation. She had the pleasure of working with him in the classroom. He visits the center twice a month to read. During one of the visits, she shared her visions and goals for this program. She shared a short story. She was outside in the afternoon and a police cruiser drove by and one of the children was upset. He said the police are going to take my dad to jail; I comforted the child, but was disturbed by what I heard and I explained that to the Deputy Chief. She mentioned that she would like to go on a ride-along to better understand the community. She was supported and given a ride-along. At the last meeting, he read a story about the autumn and was so touched that he explained we have to be accepting of who we were and who they are and it is okay to be different. Children should be exposed to police and fire men as well. He has the highest regard for the men and women he will lead. His dedication to the Middletown community goes above and beyond the call of duty; he is proud of the community and the uniform he wears. She has no reservation in supporting him as the next Chief of Police.

Ed Dypa states he would like the Council to approve McMahon as the Chief of Police. He appeared before Public Safety to start the Senior Triad program in Middletown. A couple of weeks after his appointment as acting Chief, he called me and said Triad is a good program. He is an active member of the Council. He is visible in the community and demonstrated he is an effective leader. The residents of Middletown are tired of the fighting between the Democrats and Republicans and asks the officials to reconcile your differences and show that the two party system works and approve the confirmation of the appointment of the Chief of Police. If the Council did as much as the Chief, then Middletown would have had a first class senior center 25 years ago.

Cheryl Sprague, Rushford has worked with Acting Chief McMahon. They have received two grants for underage drinking they have worked with McMahon. We have seen increased partnerships in Middletown with the police, Wesleyan and Wesleyan security officers and community members. It is because of his efforts and open mindedness to look at new ways to look at underage drinking in Middletown. He looks at what can be done and looking at what is done in other communities and supporting what does work. She urges the Council to vote for him.

Jim Lowenthal, Neighborhood watch at Woodbury Circle; he has worked with Chief McMahon on several occasions. He has been there 100%. Through his leadership and help, we have installed speed limits, lights, curbing painted so there is no more parking on the right side of Woodbury Circle. They are getting the rest of the street crossing signs painted. They had an ice cream social and asked the Chief to come. He said he couldn't make it and sent a representative and they brought several pamphlets and brought them for the children. He urges the Council to vote for him as Chief of Police.

Daniel Long resident homeowner in the north end and Professor at Wesleyan. He speaks in support of McMahon and he supports community policing and he has done so much for that. He has seen him working and engaging with youth in the north end. He has seen them develop a more positive attitude toward the police. He has looked at Los Angeles and Philadelphia life and the actions of McMahon have been good to prevent certain activities because he pursues community policing. He is a life long Democrat and this is a bipartisan issue and one of the best things we can do to support a positive community and that is to support Chief McMahon.

Izzy Greenberg, Director of NEAT speaks in favor of confirming the Acting Chief and Deputy Chief. They are active members in their community. Sneed is a friendly ambassador to our community. She knows how long the process has been. She served on the committee and she represents the Board of NEAT in supporting the Acting Chief as the Chief of Police. He serves on multiple committees of NEAT. We appreciate that he owns a home in our neighborhood and we don't care how many nights he sleeps

there. He is an active and responsive neighbor. In Pat McMahon who will be accountable. She believes the process has gone on way to long. We need a Chief of Police.

Jen Alexander states you heard about his participation in the community. He has brought community policing forward. You had a process and this is our opportunity to give you a community perspective on how seriously he has taken community policing. He has also been involved in the business community. He has been an innovative pivot on lingering problems. There are other hot spots that the business district discusses and he has been proactive on that. She addresses parking and supports the effort to table the decision about moving the parking garage from the Arcade to Melilli and If this is a new idea, what wants the whole community behind that. opportunities does that open for us. She welcomes taking two months and coming back with a better plan. Regarding the pricing, one is we need improvements in the lots and meter technology. We are leaving a lot of money on the table. The price increases are designed to pay for improvements without using another revenue source. The price increases she hopes you won't wait two months for that because when it opens with the gates and the way prices are structured it will push them towards Main Street and we need to make this adjustment in the parking prices so it costs more on Main Street than the lot.

Peter Harding downtown business owner speaks in favor of your appointment of Patrick McMahon as your Chief. Community compassion and communication and Pat does them all very, very well.

Dave Meyer, Public Safety at Wesleyan speaks in favor of both Acting Chief and Deputy Chief. He has worked with them. We have helped them and they help us. They are inclusive of us.

George Dunn speaks to two issues; the first is the Fire Ops program presented by 1073 and as former Fire Chief, his heart is busting with pride so that government and private sector can see what they do. He hopes the Council recognizes them. He addresses the confirmation of Pat McMahon. He keeps his integrity first and foremost. In all projects we have worked on, he always thinks outside the box. If an action is taken, it would be reviewed by him and he would look for a better way to do it. He observed the Chief to present himself and act in a professional manner, leading by example. He lets the leaders in the Department carry out their duties and responsibilities. The Chief reaffirms the roles and responsibilities to Middletown. He carries out his duties to the community and has had the opportunity where he has needed to work along side all the City Emergency Services. His Department has been a member of the team. With his time and experience in Middletown, we have seen him manage his department under pressure. He has watched the Chief and he has been responsive, fair, honest, and consistent and always respectful of others. He wants the best for family and community and he believes that he will guide the best law enforcement department. Deputy Chief Sneed has come up through the ranks and he and the Chief work well together. The Deputy Chief, once McMahon moves on, will have the opportunity to become Chief. He urges the Council to confirm both the appointments.

Beth Emery speaks to agenda item 14-4 regarding the contract and Middlesex Mutual Agreement. She would like the Council to pass it but she sincerely hopes that part of the outcome will be to look at how the City enters into this to deal with any large and small businesses to make sure there is follow through on the contracts and the City doesn't end up on the short end of the stick. It hurts that the City ends up on the short end of the stick. Get the pieces into place so those kinds of things don't have to happen. She appreciates attention to that.

Annette Ward speaks on behalf of Greg Sneed. She echoes the comments of George Dunn and reads about the statement of Councilman Loffredo, but you have a golden opportunity to do something for the minority members of the community and when the position comes up to have Greg Sneed be that representative of the City.

Lynn Baldoni retired Police Chief is here tonight to ask you to support the selection of Chief of Police. One of the things she did was to plan ahead and think ahead with succession planning. When Pat came on, that is what she had in mind. She has worked with Greg Sneed and thinks he will do a good job as well.

Earle Roberts addresses the appointment of Chief; serving on the Council when he was made acting Chief, he heard positive accolades on many issues. You have to determine how that weighs in this evening. His issue

about appointments is he has seen that it digresses because of politics. We are not a perfect process. Everyone who has lived here has witnessed the politic of appointments. What he really wants to say for both individuals you remember that and the tone of discussion has to do with the public. It is how it is perceived, how the Council deliberates. Keep it salient to the position, the issues of contract and performance. He likes contract. He discusses performance and we all need to be scrutinized. The Acting Chief fits the billing. Many others can show that. There are better people who can serve and lesser. You need to discuss performance on an annual basis. You need to hold the Police Chief accountable and is he doing good for Middletown. That is what he wants to see for that position. He has always supported the head of CT regatta and reading the resolution, there is \$10,000 we pay for inkind services. My question is back in the late 1970's and 1980's, they did a triathlon and we had to pay certain fees because we charged an entry fee. When he reads the fiscal impact has that been a suggestion. He is supportive of the program.

Gary Ouellette, Fire Chief speaks on Acting Chief McMahon and Acting Deputy Chief Sneed and he speaks to the relationship they have between police and fire and both are professionals. If there is an issue or problems, I call and it is resolved. The working relationship between the administrations, it is imperative that police and fire work together. It is the best in his tenure. He speaks highly about these two gentlemen and he supports them.

Bruce Driska, Director of Emergency Management and he is here to endorse the resolution of 9-1 and 9-2. it is to maintain the continuity of services between public safety areas. The rapport and professionalism exists between departments and it should be maintained.

Kevin Smith addresses the issue of the confirmation of the Chief of Police. He has never met him and listening here tonight he sounds great. He states he would like questions addressed to the Chief about the relationship between the Board of Education and the Chief of Police. He discusses what the Mayor did and when they got to court, the judge said there exists no basis in fact or law that the Superintendent engaged in illegal activity. We spent a lot of money. Coaches are arrested. The officer on the scene arrested the coach because there wasn't enough water for the players. When it got to court it was dismissed. That is twice they went to court. How far up the chain does that go. The last is the letters going out threatening arrest at the direction of Ms Milardo and the Mayor. He explains about his wife working at Adult Ed and cannot be trespassing because it is Board of Education property. Ms Milardo can say the letters never went out and this is a personal thing. It doesn't have a lot to do except does the Chief know about this. I would like to know if the Chief is presented with the facts, would he arrest my wife if she has permission to be there and it is not City property. He doesn't know how Ms Milardo or the Mayor can have them arrested. Middletowneye stated he has stood up to the Board of Education, but has he stood up to the Mayor. It is scary if the Mayor can tell the Police Chief what to do and arrest someone who has never done anything wrong before. She has a letter that if she shows up for work she will be arrested. This is politics and it stinks.

Sal Caracoglia asks if anyone wants to speak and I can come back here. He states Mr. Loffredo, I don't know if you know what is going on. It is a power struggle between the Mayor and Majority leader. The Majority Leader has had control over the Police Department since 1983. In 1983, Cubeta, former Mayor appointed Aylward. Mr. Aylward was not a crony for politics and the majority leader and chief were at odds because of politics. Because they did not like the Chief and I am one of the witnesses because I was involved in the process, they wanted to entrap the Chief of Police with something, but they were not successful. They finally got him because I brought up to the Council their was shenanigans.

Point of Order

Councilman Klattenberg states the comments are out of order; they are not part of the proceedings. It is a confirmation discussion.

Mr. Caracoglia states it is about the Police Department and how it was back 20 years to the present. There was supposedly a sexual escapade between the Personnel Department and Chief of Police and one term Mayor was removed as Mayor of the City of Middletown, because Maria Holzberg is Mayor . . .

Point of Order

Councilman Klattenberg states this is way out of order. The Chair states we will not argue between Council and members of the public and if he crosses the line I will know.

Mr. Caracoglia states the Chief was removed from the office because of a child. You don't want to hear. The Chair states you have one minute. Mr. Caracoglia states there was \$4.2 million and another \$1.8 million that was found at a different bank and these monies from the school board, Mr. Shaw. The Chair asks the comments need go to the Confirmation of the Chief. Mr. Caracoglia states the money disappeared and Holzberg found the money and no one went to jail. Chair states it is 8:37. Your time is up.

Public Hearing Closed

The Chair, seeing no further members of the public wishing to address the Council on agenda items, closes the public hearing at 8:37 p.m.

Agenda Item

7 and 8 Description

Public Hearing on Amendments to Bond Ordinances for Energy Savings

The Chair opens the public hearing on amendments to Bond Ordinances for Energy savings at 8:37 p.m. Seeing no one come forward, the Chair again asks if there is anyone who wishes to address the amendments to the Bond Ordinances.

Public Hearing Closes

Seeing no one wishing do address the Amendments to Bond Ordinances for Energy Savings, the Chair closes the public hearing at 8:38 p.m.

Agenda item Description

Appointment and Confirmation of Police Chief and Deputy Police Chief

Questions to Directors

The Chair states he will gives the chair to the Deputy Mayor and will move to the public seat in case there are questions to him.

Acting Chair Bibisi opens Questions to Directors at 8:38 p.m.

Councilman Pessina is recognized and asks to speak to Personnel Director Milardo. We were given the document in regard to misinformation on the recruitment process of statements made by the majority leader so we can correct it. Ms Milardo states Middletown recruitment is separate and distinct from one to another. It is the Mayor who sets the recruitment process.

Councilman Loffredo asks when it was given out; Ms Milardo responds it is in the Council box.

Motion to Recess

Councilman Loffredo asks for a recess to retrieve the information that is in the council boxes. A recess is declared, without objection at 8:39 p.m.

Meeting Reconvenes

The Acting Chair calls the meeting to order at 8:46 p.m.

Councilman Pessina states he is alluding to the letter in his box before the meeting concerning the misinformation of recruitment process quoting the majority leader in the press. Ms Milardo states this Council understands each recruitment process is separate and distinct. She has a handout for the Council so you can follow. She states she reviewed the hiring process for positions of directors. As you can see there are three different categories. At times we have only done oral interviews and some have served in acting and she reads the positions. Other times we have used an external oral panel, appointed by the Mayor and confirmed by the Council. The point she is making is when they have qualified internal candidates, we choose not to do a search. These positions are exempt; it is Union contracts for posting. This transcends other administrations. You will act first on the Chief and if it is confirmed by that vote you are declaring a vacancy in the Deputy Chief's position. If you vote for the Deputy Chief, you can't have a simultaneous swearing-in ceremony. She has provided for you a legal opinion by Shipman and Goodwin about questions raised about the Council for another acting position for City Attorney. Attorney Clemow was clear in his summation; it is our process. There are not rights by external candidates to our process and we were justified to discontinue a recruitment process and do a simple appointment of only internal qualified candidate. Out of the internal Police Department there are only two candidates that meet the requirements for Chief and Deputy Chief. Councilman Pessina states the process has been fluid and has changed from administration to administration. Was it true at one of the appointments for the Fire Chief, there was an opening for Deputy out of the process. Ms Milardo responds they went through a process for recruitment both external and internal for Deputy Fire Chief. external candidate withdrew and all the internal candidates did not reside in Middletown and could not move into the City and the Council waived the residency requirement.

Councilman Serra states relative to posting if he reads it correctly, then apparently we were violating our own ordinance because of the affirmative action recruitment.

Councilman Pessina states he has the floor.

Councilman Serra states look at Section 74-14 that is referred to in Attorney Clemow's letter about posting. The bottom line is section 74-17 and what the Personnel Director is saying is without open posting we violated our own ordinances. Ms Milardo replies if she could finish, the legal opinion that you have does refer to Section 74-17 and if you read the entire paragraph nor would any person have any cause against the City. Councilman Serra states it says it should be posted and we have collectively disregarded our ordinance. Ms Milardo states it is vigorous recruitment and she reads the rest of the sentence. Your candidate is a qualified minority candidate. Councilman Pessina asks if he could proceed.

Point of Personal Privilege

Councilman Daley raises a point of personal privilege just to point out and I appreciate the outline of the historical information about the appointments and the one common element is the entire Council had an opportunity to question each of the appointments which is at the heart of it and hopes we get to that at a reasonable time to do that. I don't want to get tied up in procedural stuff and I want to be able to ask my questions to the Chief. Councilman Pessina agrees. Councilman Daley states he wants that on the record.

Councilman Pessina states did the Acting Deputy Chief go through the process of a chief's selection, a full process, examination, oral board. Did he go through the process to bring him here tonight. Ms Milardo responds yes. Councilman Pessina states he is qualified for the Chief. Ms Milardo responds yes. Councilman Pessina states then he is qualified for the Deputy position. Ms Milardo responds correct.

Councilman Klattenberg has questions on the process. You did bring up a list of the candidates, but at no point was there an oral panel. A memo you prepared on September 2 about the questions of Councilman Streeto on August 31. He is confused about the oral panels; in your remarks on page 3 you say you are providing information under separate cover and three tests were administered. He understands testing and an oral panel, but what does it mean for a community panel. Ms Milardo responds questions are developed. The Deputy Director (Personnel) reviews the questions for clarity and continuity and there is a scoring key so they clearly understand the process. The exact same method is used by professionals and community members. Councilman Klattenberg states they are not professionals and if I were on a panel I would have a problem scoring. What type of questions are asked. Ms Milardo responds they ran the gamut of representing the City of Middletown. They asked questions relevant to their interest group and again as community leaders you have a broad base of knowledge of all aspects. She states she will not release the questions or the scores and no personnel director would release a test question or test key. Councilman Klattenberg states oral panel 1, a question asked is the rank from 1 to 100 or 1 to 10. Ms Milardo responds with all due respect, I am not going to release the methodology used for scoring keys. It is not under Freedom of Information. It is not discloseable. Councilman Klattenberg asks if the same questions were asked between the first or second panels. Ms Milardo states no. We take whatever the score is, unless there is fraud committed, they are final The Mayor was concerned that the first panel had a leak of information of confidentiality. It doesn't erase it from my department. You got the score from that. Councilman Klattenberg asks if votes were taken or only test scores on the candidates. He asks if votes were taken in the oral panel. Ms Milardo states she doesn't know; she doesn't participate in them. There is only the final score. Councilman Klattenberg asks if the Mayor was provided scores. Ms Milardo responds only the first panel, yes.

Councilman Streeto states your position you expressed to me and the Mayor's position and I assume he is directing you and that most of the information is exempt from FOIA. Ms Milardo responds correct. There was a second addendum we were told by Resource Associates that could be divulged and that information was given to you. Councilman Streeto points out to his colleagues about the information and he states we are sitting in a public forum and it cannot be disclosed in this atmosphere. He is curious about the October 4 memo and you wrote this about the response to the quote of Councilman Serra. Ms Milardo responds yes. Councilman Streeto you responded because it was misunderstood. Ms Milardo states yes. Councilman Streeto states you shared because you think other Council members may misunderstand. Ms Milardo responds yes; a member of the Council once told me we have an obligation to correct misinformation. Councilman Streeto states for the record, I have done a follow up of this

memo and I got an answer back by the end of the football game. For anyone who thinks City officials work 9 to 5, I got a courteous response on Sunday afternoon. Ms Milardo asks if that a compliment. Councilman Streeto states yes.

Councilwoman Kleckowski asks to respond. She states does there need to be a process or is it the privilege of the Mayor's office to appoint directors. Ms Milardo states she can answer that. There was one individual who did get up and speak regarding the Board of Education, that individual has represented himself as an attorney and she cautions the Council that should not be up for public discussion. Regarding the process that it was less than forthcoming; this process has had more press than Obama's health plan. This has been a well discussed process. The only thing that has been lacking is a jousting match. I have never seen three tests delivered for one position. You had three testing processes and a final interview and as far as it being rigged, you can agree on one thing, that politics should not be in the Police Department. In terms of testing, our rules have not changed since 1982 and she encourages anyone concerned about the testing process to read the document.

The Mayor states if you repeat the question, maybe I can answer it. Councilwoman Kleckowski states this is her first appointment process and asks if there is a required process or is it a privilege of the office to appoint. She asks because of the information given to her by the Personnel Director. The Mayor responds his office is in the Charter and it states he can nominate and the Council confirms. Is there a process, there is none provided by Charter. It is done in accordance with personnel rules. This has been done by personnel rules. If we have internal candidates, we don't have to post to the outside. He did that at the insistence of the majority Council. They said if he didn't do it, they would not confirm any appointment. They had eleven responses and seven didn't meet our requirements. Seven were objectively disqualified. Four responses did; two internals and two externals. The Assessment Center evaluated them whether it was one or five and the only two that did qualify were internal, they would go through the Assessment Center. Two of the four were already Police Chiefs; was I surprised they did a little better than the two who were never police chiefs, no. There was no reason to be surprised by that. Did I have to do that, no. In reviewing the recent history of Middletown, we had an opening for a Health Director. There was no posting. Mayor Thornton tapped Dr. Havlicek and it was confirmed We had an opening for Public Works Director and her by the Council. appointment did not meet the qualifications and the Council changed the job description. There was a Fire Chief opening and out of the recruitment we got a Fire Chief. For the Town Clerk, on the eve of an election, the then sitting Mayor had not been renominated and lost the primary and that sitting Mayor tried to bring in an appointment for Town Clerk with no posting. What is the process by which Mayor's pick candidates for directors, it is all Using an assessment center and as Mayor he sat on over the map. community panels for school principals. Those panels are made up of various people and the same process was followed. Every member asked the same question of each candidate and all members of the community panel get to hear the same question asked of all the candidates and get to determine what the question is worth. Based on the perspective of each individual, they represent different aspects of the community. That is why he did the community panel. You have the results of those processes and this is a packed bunch of candidates. No one fell off the bottom nor did anyone rise above the rest. To surrender the obligation the Charter gives me as Mayor to an outside panel, they are tools. Am I supposed to ignore what my own eyes and ears tell me. I have direct observation of Acting Chief McMahon and Acting Deputy Chief Sneed and I saw how they ran the department for over a year. I saw no reason to go to an outside candidate. That is how I approached it.

Councilman Streeto states he did have some questions regarding the issues raised by Mr. Smith and do you agree that it is covered by a claim of the City. The Mayor states the correspondence came to me. Acting City Attorney Lynch states they have used it as a claim against the City. Councilman Streeto states he would make the observation that there are innocent people involved in this situation and urges the Mayor to reach some kind of quick and thorough resolution to this matter. He would suggest as we approach budget season there are unaddressed issues that need to be answered before the end of the year. He comments in terms of the memo from Personnel Director Milardo that most of the material is covered by FOI. The Mayor states yes. Councilman Streeto asks in your campaign against Mayor Thornton wasn't her personnel appointments one of the issues. The Mayor responds yes; her predecessor when Aylward left, she did a nationwide search and she threw that out and hired Chief Brymer and you passed a waiver on residency. Councilman Streeto states this was a campaign issue and he asks if you discussed systemizing the process. The Mayor states I

have appointed qualified candidates and they passed every test. He is not asking that you change job descriptions or change anything else. They are qualified candidates and they deserve confirmation.

Councilman Daley points out your comments about Brymer are not accurate. He was identified as a candidate through the search process by then Mayor Holzberg and was one of the top candidates. Mayor Thornton and the Council did agree on waiving the residency and in fairness to him, he was a candidate identified through the national search. Councilman Daley states one of the things that troubles me is not whether I agree; from my perspective you can nominate whoever you want and the Council under the Charter can confirm or not confirm that nominee and if it is not confirmed, you cannot seat the power of that office to him. You have under the oath to uphold the ordinances of the City of Middletown and it isn't about whether he should be confirmed or not and I feel he is a victim of not following the ordinances as we should. Section 74-9 and he reads it, concerning permanently filling it. We did not do that in this instance and he has been acting for 13 or 14 months and how do you reconcile the fact. The Mayor states you can have ordinances conflicting with the Charter and the Charter states the Mayor appoints. Councilman Daley states you have, in my opinion, circumvented the Council's authority to confirm an appointment by having an acting position for this long. The Mayor states we commenced the process in a timely manner and it has taken as long as it has because of the actions of the Council. I can appoint whomever they choose using the method they want. In this case the legislative branch has intruded in the process. The Mayor states what the legislative body demanded in a form of ultimatum, if you don't do an open recruitment, they won't approve the appointee. That is interfering with the Mayor's function. If we abide by the rules, they work. Councilman Daley states you are deluding yourself. The Council did not drag this out, you did.

Point of Order

Councilman Pessina states we are debating.

The Mayor states if I concede the ordinance does not unduly interfere with the operations of the Mayor, it doesn't say how long it will take. Councilman Daley states is it a law. The Mayor states the Charter states you can't diminish the authority of the Mayor and it doesn't tell me I have to do anything; it directs the Personnel Director. Councilman Daley reads the residency requirement about permanently domiciled and living in the City and it isn't met by having a mailing address; how do you feel how the Acting Chief has complied with that. The Mayor states he is in that house every day. Councilman Daley asks if he is permanently domiciled here. The Mayor states as far as the ordinance, yes.

Councilman Loffredo states he is confused by his clear reading of the Charter; the Mayor shall see all laws are faithfully executed. Do you dispute that. The Mayor states no. Councilman Loffredo states just that you won't follow them. The Mayor states you are making an accusation tell me what I didn't follow. Councilman Loffredo states from your dialogue with Councilman Daley regarding the ten days to fill it. The Mayor states that ordinance infringes on the authority of the Mayor; however, the ordinance is directed to the Personnel Director. It has nothing to do with the Mayor. She began the process in a timely manner. Councilman Loffredo states I got the impression that. . .; do you have to comply with all City ordinances. The Mayor responds only if they are not in conflict with the Charter. Councilman Loffredo states these are long standing ordinances and he was confused by your comments and had the impression you didn't believe you had to comply with them.

Councilman Pessina asks the Mayor wasn't it true during the 13 months we had a Chief on retirement on full pay and benefits and if you went ahead with the process, you would have been paying two salaries. The Mayor responds she came off the books when he announced Chief McMahon as his appointment. Councilman Pessina states that is a long standing practice in the City. The Mayor responds yes to avoid double dipping on the salary reserve account. Vacation time, they are considered still there. Councilman Pessina states it is long standing practice with former mayors. The Mayor responds yes, he didn't invent it.

Councilwoman Kleckowski has one question for the City Attorney. She states following up on what the Mayor said, could you please describe what our role is as a Council and what we are required to do in accordance with the Charter. Acting City Attorney Lynch states the Charter provides the Mayor as appointing authority and the Council provides confirmation of the appointment. Objectively you have to decide if the candidate meets the requirements for the position. If the candidate is qualified, it is an approval of the candidate for the Council. It is different than an advise and consent

candidate and subjectively, they can advise the mayor. It is your job to objectively decide if this person is qualified for this job.

Councilman Daley states Attorney Lynch, what is the import of the Council's confirmation if the Council elects not to confirm. Can the person continue in the role. Attorney Lynch states that is a question that will have to be determined. Councilman Daley asks who would determine it. Attorney Lynch responds myself or Corporation Counsel. Councilman Daley states can you provide or elaborate on your interpretation of Chapter 5, Section 2 to limit the Council's responsibility to the degree you stated. Attorney Lynch states principles of statutory principles regarding the meaning and manner of words used. There is a clear difference between advise and consent of the Pension Board and the confirmation of appointments. He states he can surmise why it was done, but it is a more stringent standard than the one before you tonight.

Councilman Streeto asks what parameters constrain our decision. Attorney Lynch replies whether the candidate meets the requirements. Councilman Streeto states the candidate and the process. Attorney Lynch responds it is the candidate. Councilman Streeto states the candidates' qualifications is reflected to the process. In other words the trained monkey method, how the candidate was selected is going to involve the necessary qualifications of the candidate. Attorney Lynch states you are there as a check and a balance of position, it is up to you to vote it up or down. Councilman Streeto states couldn't we just look at his resume and the job description and not have wasted these two hours. Director Milardo can read the qualifications against the job description. He states some of the qualifications are not reflected in the job description. For example, if I am picking a litigator, all I need is a lawyer with a bar degree, but experience might be included. I am trying to get at that there are qualifications that are not tangible. Attorney Lynch responds you can objectively determine whether the candidate meets the requirements for the positions. Councilman Streeto states aren't there some that are not tangible and concrete and can't be tested. Attorney Lynch responds they are in the job description. Councilman Streeto states then the one who scored the highest should be the candidate. Attorney Lynch states the Mayor chooses. Councilman Streeto states won't it be the highest scored person. Attorney Lynch replies the most qualified candidate would be the one picked by the Mayor. He states he doesn't follow your question. Councilman Streeto states there are other qualifications that are more important than test scores. Attorney Lynch responds that is fair.

Councilman Faulkner was thinking along those same lines that our confirmation should be based solely on whether the candidate is qualified for this job and frankly he wouldn't be in this position if he wasn't and it means we don't have a vote. Attorney Lynch replies it is up to you to vote no on a candidate that is not qualified. Councilman Faulkner states it is not with regard to what the community needs. Attorney Lynch replies it is an objective vote if the candidate is qualified. Councilman Faulkner states the needs of the community doesn't count for anything. Councilman Faulkner states we don't have a vote. Attorney Lynch responds you do.

Councilman Serra states we have the mayor to nominate and the council confirm and it is a partnership. Attorney Lynch responds yes, checks and balances. Councilman Serra states in terms of the analysis of the candidate, why can't the confirmation have access to that. Attorney Lynch responds some is proprietary information. Councilman Serra states it is an equal process and in order to make a proper assessment, we need the proper materials and we are not equal. Attorney Lynch states that is the advise and consent area. It is the Council's area to determine if he is objectively qualified as the candidate. He states if the Mayor didn't put forward a candidate that was not a police officer, those types of objective criteria you would vote on.

Acting Chair Bibisi asks if there are further questions; seeing none he states we will move to questions to the candidates. He asks Acting Chief McMahon to step forward.

Questions to Candidates

Councilman Streeto states you and I met on Saturday. Chief McMahon states he didn't give an opening statement three years ago and he wants to make an opening statement. He extends thanks to the Mayor for his faith and trust and in preparation of this, you have a copy of my resume, my goals and objectives for the Department for five years and a copy of the Personnel Review Committee recording. The fiscal year 2010 budget came under but was spent 3/10ths over. In the document entitled goals and objectives, he

left off Connecticut accreditation as an objective. He tells about himself. Including family, education and 27 years as a police officer. He was confirmed 3 years ago as Deputy Chief and he went and reviewed the confirmation hearing for supporting his confirmation and listened to the reasons others didn't agree with his confirmation. He believes he has belied their concerns. At the 2007 confirmation hearing, that is what you knew from others and tonight I have a three year body of employment and for 14 months he has been Acting Chief and he has demonstrated leadership to move the Department forward. He states his qualifications for Chief of Police, stating all of the activities and job related work that has been completed during his tenure.

Councilman Streeto states we talked on Saturday and covered most of the areas of concern; one of the things we talked about and agreed and we were told not to discuss. The preference would be not to address it. He appreciates your time on Saturday morning.

Councilman Daley states first let me commend you on the fine turn out of people supporting you. I would be remiss if I didn't acknowledge that you touched people here. I know your statement you went through a lot of your accomplishments in your tenure as Acting Chief, I would like to know in a concise way, what your two or three significant accomplishments are. Acting Chief McMahon states my time here or Acting Chief. Councilman Daley states what you are most proud of. Acting Chief McMahon responds I am most proud of putting the cops in the schools. The investment up front, there is a direct link that very few other communities have and having officers at the sixth grade level, we have to come to a consensus with the Board of Education, that was a huge advantage for the schools. We pay for them, not the Board of Education. That is one of my proudest because it involves the kids. Developing a candid business relationship with the Union. When the Mayor nominated me in 2007, the executive board said they didn't want or need an outsider and I heard that tonight about being partners and my job as Police Chief is not to pander to them, but to have an open relationship. My decisions have been to put people where they belong and best serve the City. The right people, in the right seat going in the right direction. That is what I have done and am proud of that relationship. I don't always agree with the Council and I don't always agree with the Mayor. Councilman Daley states on the SRO's and if it is contrary to a good resolution, can you say what the gap is between you and the Board and all I know is what is in the I got the idea the you wrote a memo that the Board of Education decided to remove the SRO. Acting Chief McMahon states the incident happened and who was in charge; he was in touch with the Superintendent and I thought it should be director to director. I go to meet him and he is with his team and we discussed issues with his idea of SRO to mine; we have gone from the high school to the middle school and Kiegwin and it was dealing with interference. We decided to look at criteria and I sent him a draft memo that was workable criteria and he brought it to the Board of Education in executive session and then I read their memo and they decided to kick them out because the principal didn't like them and that the school staff and students who are most important and they want their school staff to be the first responders. The Police are not first responders for medical and we have a constitutional duty to respond to physical altercations and to provide a safe environment to student and staff. The officer intervened and took appropriate action when he was fighting with a 17 year old. If the 17 year old was on a street corner, it would not be an issue. We are moving forward with meetings to see if there is common ground and I have had people call me to help with this. We have training scheduled for October 7, and it has not been canceled. Councilman Daley states what would be the two or three actions or decisions that you would handle differently. Acting Chief McMahon responds Councilman Loffredo asked during vetting about my strength and weaknesses. Probably in the area of communication; sometimes I react. There has been a lot of discussion here tonight about the occupation of the Board of Education building. I stand by my decision that it was legal and lawful and could it have been done differently, sure. He had one officer assigned personally around the clock. Councilman Daley states it cost \$11,000. Acting Chief McMahon states the Chair chased one officer down the hall which is why he put the second officer there. For me, insuring an area during an investigation that we stopped when Judge Holzberg stated our claim had no water, we came out because of sworn affidavits and we didn't have enough information until the audit was done. The long answer is I don't know that the decisions were wrong, but maybe the way I went about it could have been simpler but it wouldn't change the fact that I needed to secure a crime scene. Councilman Daley states his concern, stationing them in the hallway given his concern that was raised about alteration and destruction of the records, could be done. Acting Chief McMahon responds it is no different from putting two officers on Main Street, by putting them there, there is a perception there and I felt by them knowing there was a police officer in the building, they would think twice about doing something. Councilman Daley states you mentioned the waiver of the residency

requirement which you are correct, it did occur, I would pose to you that is exactly the point. It is the Council's prerogative to adopt such an ordinance. The Mayor can't waive it. Acting Chief McMahon states it was waived for others. Councilman Daley states we waived the ordinance and in other cases we extended the timeframe. Why did you not request a waiver of the ordinance. Acting Chief McMahon states because it was clear it would not be waived and he even thought he fulfilled the requirement with an apartment and then it was he didn't own real property and now he does. Councilman Daley asks how many miles are on the City vehicle. Acting Chief McMahon states he doesn't know. He is number 2 in the City. He got the car with 18,000 and it is now 64,000. It is the same vehicle for three years. Councilman Daley asks if you reimburse for the value of normal use. Acting Chief McMahon responds it is part of his job. Councilman Daley asks do you get a form. Acting Chief McMahon responds I pay for it tax wise.

Councilman Daley states one thing he wants to ask and we were forewarned that it is a claim, but if you were asked to arrest a person for trespassing who worked in a Board of Education office how would you handle that. The Acting Chief responds no arrest unless there is probable cause. As the Mayor's subordinate, if it is not illegal, and I am told to go and do that, he would assign an officer and collect information and we would either get a warrant or if it didn't fulfill the trespass, they would close the case. Councilman Daley states what were the circumstances you left your last employment before the City. Acting Chief McMahon states you are aware of it and we agreed to disagree and I left. Councilman Daley asks if you can reapply for employment. The Acting Chief states he can apply, but wouldn't apply.

Councilman Pessina states he appreciates your candor and honesty and integrity of you the person when I sat through the vetting process. I thought the questions you asked were on target and you answered all those questions personally and professionally. I want to thank you for doing everything we asked you to do when we needed and wanted to get redistricting done and you did it with the majority and minority leader and union president present. It was a collaborative project. I truly appreciate the many comments dealing with community policing and my decision is based on the ethics of the person and someone who is going to take over my Councilman Pessina states a police department is the previous family. majority determining factor of economic vitality of the City. What does that tell you. the Acting Chief responds that a vibrant, safe community attracts He believes with your statement the Police Department is a business. partner with the Main Street; we work closely with Wesleyan, the hospital and Pratt and Whitney. Councilman Pessina states what role will the Police Department play in five years in the City. Acting Chief McMahon states you have my five year plan; he wants to see us in the next year or two will be tough economically and the budget has three officers and with the issues facing the City, he wants to be as close to 120 officers as possible and we want to see accreditation. He wants to see a reduction in crime. indication of success or failure is a reduction in crime and it is a measuring stick and 15 years ago there is more reported crime because of the increase of officers. He would like to see a trend in the reduction of crime. He wants to see the young department mature. We have 15 officers hired in 12 months. Our senior command has two years. That is new. We all have a long way to go. We are all competent. Councilman Pessina asks where do you see the relationship between the police and our youth. You are an advocate and how can you do it better. Acting Chief McMahon responds he is not sure it can be done better. His Deputy mentors an older group and he prefers the younger kids. He is encouraging command staff to read at the YMCA. Continued investment in those programs as well as the SRO's. We are still doing Dare; our WWMS officer is our GREAT trainer. Councilman Pessina states I picked Acting Deputy Chief Sneed for the State program at the juvenile training center and the State did not continue with the program. Acting Chief McMahon states Deputy Chief Sneed is competent and capable and you have parliamentary issues and you have an inside guy who is qualified and it would be a shame not to hire him.

Councilman Faulkner states I like a lot of people, I have not decided, but I do have issues. Like the SRO issue; it is a big one for me and in particular the older youth in our city which no one seems to want to deal with. We don't have programs for them. Grant monies are for the younger kids. Acting Chief McMahon states not to argue, but we have a wonderful Police Explorer program. You have a dedicated group of cops and I think we are the oldest organization in the City and they were here. The Police Department provides a small program. Councilman Faulkner states overall you don't see a lot of that. I like the Explorer program. The relationship on the SRO program, he is not a big fan of it and he met with the juvenile justice people and one of the things they brought up immediately is that we have police officers in the schools and the statistics with young people will go up because you have an

obligation to do what police officers do and we would have more in the criminal justice system. In the SRO process, what will you look at to make changes and what are they. Acting Chief McMahon is not sure of your first point; we have had an SRO program for over 15 years. Councilman Faulkner states he is not an advocate for it. Acting Chief McMahon states some of us forget there are some violent kids in school and his point is finding the right cops for the right schools. It is to be an advocate and resource, but they are police officers. The incident at school, one officer was training another. Only when the student 5' 8", 180 lbs, and when the student became violent is when the police became involved. The same officer that tased the student also bought him a soda when they were booking him because he was thirsty. He would rather figure out their roles and get them back in the schools. He went and had lunch at the school and he watched the kids high five or fist pump those cops. Those officers have great relationships with all types of kids, but there are some bad kids or people. This incident brought up the issue that they don't like cops in school. Councilman Faulkner states law enforcement is involved, how do we avoid getting to that point. What culture can the SRO bring and how do they do that to prevent getting to that point. The Acting Chief responds he replaced the SRO at the high school and one of things we talked about with Dr. Frechette is how to get the high school SRO involved with the school and there are no classes to be taught by that officer. Maybe it can be part or a component of health classes. Councilman Faulkner states that is more in line of what he is looking for. He states communication about with the way media runs today, doesn't that bother you and what can we do. Acting Chief McMahon states he believes the bloggers are anonymous cowards. They are not worth my time. He has a good relationship with the reporters because we need the press as much as they need us. When we do very good, boring things find their way into the paper because of the relationship we have. We like to promote the positive. He states Councilman Daley brought up his previous employment and as long as there are negative statements made about me, I will not ignore them because of my job. I am their boss and if we are being accused in public, I don't like it and I wish it would go away. I would rather they come and knock on my door. I have never not responded to calls or e-mails or appointments. Councilman Faulkner states there is a lot of talk about community policing. Is it in Middletown. Acting Chief McMahon responds yes; it is part of our mission statement. We involved the community in our mission statement on a daily basis. The community is our checks and balance. One of my failures at the previous employment is they did not want change. If there are segments that don't want to work with the police, we will provide services, but we can't make them come to the table. Councilman Faulkner states where I was going with that, there are segments of the community that have benefits of being organized and areas that are not and how do we get community policing to those areas. The Acting Chief responds we had to deal with redistricting and I would love to have a community policing unit. We have a point person and have great people who can help start one. You have to have desire and some level of interest. Councilman Faulkner asks if he has a working relationship with the Housing Authority and HUD. Acting Chief McMahon responds yes; they came to the table about Spear Park. They were receptive to us.

Councilman Loffredo asks you spent time with the Personnel Review Committee and questions were asked and asks if there is anything in the responses to clarify. Acting Chief McMahon responds the only thing is trends and technology and trends in funding and the other is recruitment and retention. With economic downturn, it is hard to find good quality prospects. We have a decent package and people are coming to look at Middletown. We want to look at recruitment and retention and we will swear in our 98th officer and we are four short.
Councilman Loffredo states in looking over the Middletown Code in terms of the Police Department in regard to the make-up of the department. In that section, there is duties of Police Chief and he reads it. Is there anything in your duties that allows you to determine the number of sergeants, captains or lieutenants. Acting Chief McMahon responds not under that section. Councilman Loffredo reads another section. He asks if that says the Police Chief can authorize sergeants and lieutenants and do you have that authority. Acting Chief McMahon states it is clear about chiefs, deputies, and captains and your authority is what you fund the department for and if there is money in the line and I need sergeants and there is money in the department, I can hire a sergeant. Councilman Loffredo states maybe there is misinterpretation and I am asking in this area, the make-up of the department is your determination and you can unilaterally have sergeants xyz and it does not rest with the Council. Acting Chief McMahon responds he has the overall responsibility of the department and he has to mitigate situations. It does exist for chief, deputies and captains. So long as he doesn't go over his money or total complement and he has the Mayor's approval and seeking advise of the commission. Councilman Loffredo states it states the authority of the Common Council and there is

nothing in the code for the interpretation you have or that it rests with the Mayor. It doesn't say the Chief shall or the Mayor and it says the Council may. You have the right to ask us because we have fiduciary responsibility. When the budget is done, we spell out the number of officers. Acting Chief McMahon states the Council approves a salary line and there is a list where the money goes and there is no list for detectives or k-9 officers. They are not spelled out. My understanding is so long as I am in my financial allotment. He believes it is vague because things change. I believe if there is a detriment and I seek advise of the Commission and I waited as long as I could. Councilman Loffredo states it is your position if you wanted to create acting positions of xyz you can unilaterally do that. Acting Chief McMahon responds no; if I feel I need 15 sergeants for a specific period of time and there is money in the line and the Mayor concurred, yes I believe I can for acting positions until the money runs out.

Councilman Loffredo states one of the issues we talked about was collective bargaining. experienced in this area. Acting Chief McMahon states doesn't know what you mean; when he was part of the Union, he was part of negotiating for the Union and he believes it is one of my job descriptions as the Deputy or Chief so I think I am experienced. Councilman Loffredo asks how he was involved in bargaining now. Acting Chief McMahon asks if it is 4/2 shift and he states yes, he was involved. Councilman Loffredo asks how many extra days off did they get. The Acting Chief responds he doesn't know, but believes it is 17 extra days. Councilman Loffredo states they received an extra 17 days with or without pay. Acting Chief McMahon states with and it is just patrol and not everyone. Councilman Loffredo states that is 17 days with pay; what did the City receive with remuneration. Acting Chief McMahon states they got a stricter sick time policy to avoid the issue and also it was about community policing. Currently under the current bargaining agreement, they can go wherever they want. The agreement allowed that the cycle goes from 16 to 18 and serve the districts dictated by the Chief of Police. That is a huge win for us. Even with a 4/2 schedule they work more than a 35 hour work week. Councilman Loffredo asks what financial pay back was received. Acting Chief McMahon responds the Finance Director would respond to that. He believes it was a loss at the end of the day. These union police officers are salaried employees and work 2,088 hours and gives them an hourly rate. Under the 4/2 schedule the salary would not change and their hourly rate would not change. I didn't want to divide lesser hours into the dollars to pay more for overtime. We negotiated a weekly salary to equal their annual salary. They make the same amount and it provides a more stable home environment. That is what he looks at when he negotiates and the effectiveness of the employee. He thought what they got in return was a huge win for us. He could not quantify the savings. Councilman Loffredo states this was a significant benefit to the patrol officers. Acting Chief McMahon responds it was significant benefit for both of us. Councilman Loffredo states it was an additional 17 days paid vacation. Acting Chief McMahon responds yes. Councilman Loffredo states if the matter goes to arbitration, what factors would an arbitrator look at. Acting Chief McMahon states he wouldn't know.

Councilman Serra states since 1982 he is a residency advocate and I heard your answer. He reads the definition of domicile. You said you met that criteria. He asks do you meet the requirement. Acting Chief McMahon responds by ordinance or Webster. Councilman Serra states Webster and it is in the ordinance. Acting Chief McMahon replies he meets the requirement. Councilman Serra states I have resented you for the last 14 months. Acting Chief McMahon responds yes you have. Councilman Serra states I asked about the acting positions and they were always for vacancies and to do new positions, you could have gone through the process; why did you take the position you did. The Acting Chief states I tried. I came to Public Safety. I was a new Acting Chief and I first came to Public Safety in 2009 about vacancies and the experience of the current workforce. I will paraphrase. The consensus was difficult times and come back in budget season. I had a discussion with the Mayor and he said to go back again and more was said about the budget and I said I could cover the cost without needing an appropriation. Again I was told to come back in budget time and I went back to the Mayor and I felt by not having them and I had two permanent sergeants on long term disability for a long period of time so the Mayor said there is a list and vet it and if I have the funding for it, it didn't violate an ordinance. The Mayor said you have them to the end of the fiscal year and I did go through that process. Kleen Energy was a perfect example. It may not have been the Middletown way, but if you always do what you have always done, you get what is always there. Councilman Serra states you are when you say something like that. Acting Chief McMahon asks to continue; he did what he thought what was best. Councilman Serra states it is inappropriate what you just said. This was not started by this Councilman.

Councilwoman Kleckowski asks if there is a question on the floor.

Councilman Serra states the tact you took for acting sergeants is that you had inexperienced patrol officers in the second and third shifts and I made you aware that the experienced supervisors for the inexperienced officers should be on those shifts. Then you go to the Central Business Bureau and say to them if you don't get the 14 sergeants, then the Street Crime Unit may not stay intact. The Acting Chief states that is an accusation. Councilman Serra states what is your tact: either inexperienced patrol officers have a supervisor or because you were not getting the sergeants you would pull the Street Crime Unit. Acting Chief McMahon states the acting sergeants was through the fiscal year 2010 for the intrinsic relationship between business and police. Our Street Crime Unit has been successful and he had a request for two sergeants in 2011 and we had discussions and I didn't know which way we would go and in the current set of circumstances to get 13 he was going from want to need and the Street Crime Sergeant was going on patrol. One was in one fiscal year and one was in the other.

Councilwoman Kasper states her questions are on the budget. You said in your opening statement, the budget was overspent by 1/10th of a percent and you had appropriations for overtime and looked at this fiscal year and looked at the over time and my question is what ideas you have to control overtime to stay in the parameters of the budget. Acting Chief McMahon replies it was one appropriation for \$75,000. The request was for \$150,000 and the Mayor appropriated \$650,000 for his budget and the Council cut it to \$500,000. It pays to fill mandatory overtime fills. He spent 3/10th of one percent but his overtime private he brought in revenue. Command is responsible for the department and his primary job is to make himself dispensable. The Deputy should be able to do my job, captains his job, etc. We meet monthly with the budget analyst and his command. In overtime there are peaks and valleys. If you extrapolate it, it would look like we will go over. But we have more officers and redistricting was part of it to reduce the minimum staffing. Councilwoman Kasper states she is not sure she totally agrees. Acting Chief McMahon replies it does cover other costs. Councilwoman Kasper asks in payroll taxes and workers compensation. Acting Chief McMahon replies we charge more than we pay the officers for the road jobs. He states we monitor it at Public Safety and as we fill the Department, we should see a significant Councilwoman Kasper asks about the private duty fees and it came before Public Safety and it is now the officer rate of pay and not the top patrol officer pay. How did that occur. Acting Chief McMahon responds when we got the new software suite and one of the things they decided was to look at different components instead of one vendor who does it well. We found one who did scheduling and payroll. It would be easier to have it done by the software and we negotiated with the Union because they realized we needed a new scheduling suite and we needed a more consistent pay scale. He explains it. And it was inconsistent and they looked at consistency. Councilwoman Kasper asks if it was done through an MOU; it is in the police contract. Acting Chief McMahon responds there is no MOU. It is all wages. He conferred with the Personnel Director and the Union doesn't object and it is their contract.

Motion to Recess

Councilman Serra asks for a five minute recess; the Chair states without objection, everyone be back at 11:30 p.m. The recess is declared at 11:23 p.m.

Meeting Reconvenes

The Chair calls the meeting to order at 11:34 p.m.

Agenda Item

9-1

The Chair states there are no more questions to the Chief and he recognizes Councilwoman Kleckowski for agenda item 9-1.

Councilwoman Kleckowski moves the confirmation of the appointment of Patrick McMahon as Chief of Police; her motion is seconded by Councilman Pessina.

Councilman Streeto states this is difficult for him and is not easy. He will not support this tonight and objections based on the process. I did meet with Chief McMahon and it was amicable and productive conversation. One of the speakers mentioned we had a lot of information and I don't have any information on the process at all. The information is inaccessible due to FOIA and I do not agree the process was rigged or duplicitous. He finds that unlikely and the process has been long, convoluted and murky. He was hoping to look at the material to clear up rumors and misconceptions and other arguments and the angst that has been swirling around this. He was told he could not look over the materials in question. He should not and disagrees with the FOIA and applicability on this. In looking at the section cited that in addition to the materials I requested, and he reads the statute and explains why he disagrees. He believes it is being read that way in this instance. In terms of residency it is a non-issue for me. What is interesting

to me is no one has engaged in a legal definition. We should focus on finding the most qualified candidates. You are deserving respect for your service to Middletown and your role as a police officer for 25 years. He hopes the Mayor looks at systemizing the process and he is surprised that it is not more so today. I don't know whether the process was fair, just, or reasonable because I don't have the materials to make that determination. I can protest this in no other fashion than to vote against it this evening.

Councilman Serra states he will not support this nomination. The first is the process. It was flawed and I believe we have equal standing relative to information flow. He is an advocate of residency and it is a condition of employment. A leader should know the fabric of the community. That means to be domiciled here, to live, go to church, spend money to support the economy, be here 24/7. That is when you apply your expertise to the product of the City of Middletown. For history I did not support George Aylward because of that issue and he spoke against Brymer. He voted for Baldoni because she was a resident. Because of the incidents with the Board of Education, he will not support this.

Councilman Klattenberg states he spoke to many community groups and had coffee with the Chief and he thought it was a healthy and productive discussion. Your ideas for seeking this office was clear and this is a difficult decision for me. I don't have police training and I don't have first hand information to be a Chief and I am judging it from a corporate background. Before comment on this appointment, I want to bring up the question of the process. The process was flawed and too much emphasis on the community leaders to serve on these panels. Asking private citizens to come up with numerical rankings isn't right. We hired an organization that is trained to do and being paid to do to come up with a numerical ranking for the candidates. They were hired for that process. The oral panel should have been to provide a broad perspective and to offer their opinion to the Mayor. If you look at the results of the assessment, he was not the top candidate. He was qualified. Of the two oral panels and I don't believe in putting numbers against answers, one of the panels selected Acting Chief McMahon and one did not. The one who chose him, the Mayor added to the rank score. The process was not fair for the candidates. It was asking too much of the candidates themselves. This elective process will be a negative mark on the City. In the case of the selection of Deputy Chief to Chief, there are serious concerns that compromise the Mayor's decision. The residency, the Chief pays taxes and occupies it but it is not permanent given the time spent in Norwich. He understands the sacrifice of your family, but it is disingenuous to say that owning a home and paying taxes is residency. He didn't agree with the actions at the school and he stated some are reactive and why isn't there more communication with organizations. I believe the Deputy Chief is a good person and takes his job seriously and has many attributes that other communities may look for. It is critical to be successful and it is his humble opinion is that we need a take charge person to bring the department to its highest level. He will not vote for the Chief and he believes that he can make value judgments.

Councilwoman Kleckowski states it is late and she was thinking about how she would respond. For those colleagues who stated there wasn't a process, there was an assessment center and all were deemed qualified. Regarding residency if someone is visiting aunt and uncles and spending time with kids, should we have a sign up sheet to see how many days we are sleeping in our home. It says residency, not how many days. We spent 5-1/2 hours and this was most embarrassing. The third thing is the Charter is clear, Chapter 5 Section 2, the Mayor shall appoint department heads and the Council shall confirm. We talk about the process; we had four processes. Fourteen months and not once have you said we did this wrong. That was not the point. This presiding Mayor and previous administrations it was just fine to vote for directors. Don't legislate partisan politics. We have a person gone through the ringer professionally and personally and a Deputy sitting here not to be vetted and are tremendous assets to the community and I think we embarrass ourselves for not promoting them.

Councilman Streeto would like to answer one of Councilwoman Kleckowski's question in terms of process. I don't know what was done; I asked for information and I don't know what was done. There is a good deal of misinformation and the Personnel Director thought it was enough to do a memo for the Council. We should determine the process and we don't have the material to do that. I didn't get any documents. I am not filing FOIA requests and I can only vote against it.

Councilman Pessina states he will support the Chief for this promotion. Everyone is talking about process and I don't know where everyone has been for the last 15 months and I can speak to it. I don't see how you could have vetted a person more than Acting Chief McMahon. My colleagues talk

about the process and the process is a living human being of a police officer, a commander. If you read his resume, he and his officers have handled some horrific situations in the City and did it with the pride of the City. You heard he is in the school system and collaborates with all members of the community and because he doesn't sleep in his bed at night and has children, he is being challenged on that and being denied a chance to lead the Middletown police family and because he doesn't meet the dictionary definition of domicile. That has nothing to do with a police chief. He needs to be involved and lead his team through events. He has done everything for the police commission, the majority leader, and majority party and then some. He has done it with pride and integrity and respect and he cannot understand; you have the City Attorney telling you to look at it objectively, I just heard three presentations of no solely on subject matter. We are going to create a chasm in the Police Department again. A City of Middletown gets 7 applications for Police Chief but the actions of the majority side, you will be lucky to get four after this process. Your votes negatively tonight are doing a disservice to the men and women working the streets at night with a long standing record of community policing and I am ashamed to be associated with this group for the lack of respect for this gentlemen and the men and women it the department. In the critical eleventh hour you are going to cut off the top of the chain because he is not domiciled or you don't like how he handled a situation. I was at the Personnel Review Commission meeting and I staid for the entire meeting, not like the majority leader who spent 15 minutes. He apologizes for the actions of the Council.

Councilman Bibisi states this was tough to sit through and he is totally embarrassed of the outcome. When the Acting Chief came on board, I said he was a perfect fit. He is proud of what he brought to the department. He straightened out the north end. At one time the Code Enforcement Task Force had a problem with abandoned cars and with one phone call they were removed. He was responsive. The process he went through, I didn't go through as Deputy Chief of Police. The Personnel Director gave us the process sheet and not one of us ever questioned anyone of these directors. We are blatantly saying residency problems or the process was faulted. He has done a great job and I hope he stays as our Chief and doesn't go anyplace else. You have done a great job for our City.

Councilman Daley states he commends you for the support you have generated in the community. I am thoroughly convinced that you have worked hard to become a member of the community and I respect some of the people who came tonight to speak on your behalf and it is clear you have done some good things and there are some decisions and actions that I take issue with and it is a balancing of the scales. Some of the things I would take issue with is the decision to station people at the Board of Education building, the effectiveness of it and whether it was a good use of taxpayer money. Similarly, the discussion of acting sergeants and we have a fundamental difference of where the authority over the police budget rests. I asked about your employment prior to Middletown and that is an issue for me based on my own personal experience. Employment history is a critical factor and I would ask about with any candidate brought before us. You know I have issues about your former employment. I credit you with making a sincere and earnest effort to establish yourself in the community. I for one am not discounting that, but at the same town it comes down to the matter of the ordinance on the books whether we like it or not and it is the law of Middletown and I cannot see the Chief law enforcement officer not abiding by one of the laws and I appreciate the hardship it represents and I don't know what I would have thought if you didn't bring things forward and I wish we had time to consider those factors and discuss what would happen; maybe something could have been worked out. but for the Council to be disregarded is wrong. It is all of them up together and I cannot support the appointment tonight.

Hearing no further discussion, the Chair calls for the vote. It is three aye votes by Council Members Pessina, Bibisi, and Kleckowski; and seven nay votes by Council Members Serra, Loffredo, Klattenberg, Daley, Kasper, Streeto, and Faulkner. The Chair states the motion fails with three affirmative votes and seven negative votes and two absent and not voting.

Resolution No. File Name Description

128-10

pemcmahonconfirmation.doc

Approving confirming the appointment of Patrick McMahon as Chief of Police and approving salary at Grade 21, Nonbargaining, Step 6, \$54.43 per hour and that Article 25 Pensions, Section 1 (f), (g), and (h) as in the Agreement between the City of Middletown and Police Local #1361 is applicable to this position.

(Not Confirmed)

Be it resolved by the Common Council of the City of Middletown:

That, Patrick McMahon be confirmed in the position of Chief of Police Salary Grade 21 Non Bargaining Step 6 \$54.43 (resume attached) and;

That, Article 25 Pensions, applicable Section 1 (f), (g), and (h) (attached) of the Agreement between the City of Middletown and Police Local #1361 be included. This provision provides for a disability relating to an on the job injury resulting in an ability to perform duties of a police officer.

The Chair states agenda item 9-02 is not in order.

Description

Approving confirming the appointment of Gregory Sneed as Deputy Chief of Police, and approving salary at Grade 17, Nonbargaining, Step 6, \$45.89 per hour and that Article 25 Pensions, Section 1 (f), (g), and (h) as in the Agreement between the City of Middletown and Police Local #1361 is applicable to this position.

(No Action Taken)

Agenda Item

10

Description

Appropriation Requests

Council Clerk Norwood reads the appropriation requests and the Certificate of the Director of Finance:

Appropriation Requests

MAYOR'S OFFICE MUNICIPAL BUILDING

Notice is hereby given that a regular meeting of the Common Council of the City of Middletown will be held in the Council Chamber of the Municipal Building on Monday, October 4, 2010 at 7:00 p.m. to conduct a public hearing, consider and act upon the following

Water Department \$41,000, Account No. 5000-65000-54200, Electricity, Water Department.

Any and all persons interested may appear and be heard.

ATTEST: SEBASTIAN N. GIULIANO Mavor

Certification of Funds

His Honor Mayor Sebastian N. Giuliano To: and Members of the Common Council

From: Finance October 1, 2010 Date: RE: Certification of Funds

This is to certify that funds for the appropriations requested at your meeting of October 4, 2010` are available as follows:

Water Fund Balance \$41.000.

Respectfully submitted,

Carl Erlacher Director of Finance

Councilman Serra reads the appropriation request for \$41,000 for approval and his motion is seconded by Councilman Pessina.

The Chair, hearing no further discussion, calls for the vote. It is two aye votes by Council Members Bibisi and Kleckowski; and nine nay votes by Council Members Serra, Loffredo, Klattenberg, Pessina, Daley, Santangelo, Kasper, Streeto, and Faulkner. The Chair states the appropriation is not approved.

Water Department (APPROVED)

\$41,000, Account No. 5000-65000-54200, Electricity, Water Department.

Agenda Item Description

11

Old Business

The Chair states they can move 14-1 along with old business if there is no objection.

Councilman Serra is recognized by the Chair. He states he has resolution 114 and moves it for approval; Councilman Streeto seconds the motion.

Motion to Postpone

Councilman Daley moves to postpone this to date certain of December 6; he refers this to Economic Development and Public Works Commission. Councilman Pessina seconds the motion. Councilman Serra asks that it be sent to the Parking Advisory Committee. The Chair states there is no restriction. Seeing no further discussion, the Chair calls for the vote. It is unanimous to approve with ten aye votes. The Chair states the matter passes with ten affirmative votes, none abstaining and two absent and not voting. It is referred postponed to December and referred to committees.

Resolution No. 129-10 Resolution No. 114-10 **File Name**

pkdamendinglocipapppkgstudymelillisite.doc

Authorizing the Mayor to sign an amended application for a LoCIP grant Description in the amount of \$120,000 for the engineering design for a new parking

garage on the Melilli Site instead of the Arcade site.

(POSTPONED TO DECEMBER 6, 2010 AND

REFERRED TO COMMITTEES)

WHEREAS, in August 2008, Resolution #154-08 approved the Parking and Traffic Study for the Central Business District prepared by VHB, Inc.; authorized the preparation of a government to manage Central Business District Parking; authorized the merger of the Melilli Plaza Parking lot and the City Hall Employee Parking lot; and authorized the Mayor to sign an application for LOCIP funds for an engineering design for a new parking garage and parking deck on the site of the Riverview Parking arcade; and

> WHEREAS, the Parking and Traffic Study for the Central Business Bureau prepared by VHB was approved; and

> WHEREAS, the stand alone Parking Department has been formed and a new Parking Director has been hired to manage Central Business Parking; and

> WHEREAS, the new Parking Director has reviewed the parking study and based on the physical facts of the downtown business district, recommends the site for the new garage be reconsidered and changed from the Riverview Parking Arcade to the Melilli site; and

> WHEREAS, at the August 9, 2010 meeting of the Economic Development Committee (EDC) the Committee voted to move this resolution to the September meeting of the Common Council.

> NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF MIDDLETOWN: That Mayor Sebastian N. Giuliano is hereby authorized to submit an amended Resolution to the State Office of Policy & Management to redirect the \$120,000 LOCIP funds for the engineering design for a new parking garage on the Melilli site.

Agenda Item 14-1

Councilman Serra reads and moves agenda item 14-1 for approval and is seconded by Councilman Streeto.

Motion to Postpone

Councilman Daley moves to refer this item and postponing to date certain of December 6 and refer to any committee that wants to take it up but it should be sent to Economic Development, Public Works and the Parking Advisory Committees

Councilman Pessina suggests that the parking fees when it goes to Parking Advisory, they should consider phasing them in. The Chair calls for the vote. It is unanimous to approve the postponement and referral with ten aye The Chair states the matter passes with ten affirmative, none opposed, no abstentions, and two absent and not voting. It is postponed to December and referred to committees.

Ordinance No. 80-10

File Name Sec281-17.doc

Description Approving amending Section 285-17 Parking lots and meters of Chapter

285 of the Middletown Code of Ordinances.

(POSTPONED TO DECEMBER 6, 2010 AND REFERRED TO ECONOMIC DEVELOPMENT, PUBLIC WORKS, AND PARKING ADVISIORY COMMITTEE)

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF MIDDLETOWN: That Section 285-17 Parking lots and meters of Chapter 285 of the Middletown Code of Ordinances be amended as follows:

Sec. 285-17. Parking lots and meters. [Added 6-6-1988]

- Hours meters to be in operation; curb meters. Curb parking meters shall be in operation for curb parking spaces every day, except Sundays and legal holidays, from 10:00 a.m. to 6:00 p.m. prevailing time. [Amended 11-1-2004 by Ord. No. 13-04]
- Parking lots; hours parking in lots prohibited. Where existing, parking lot meters shall be in operation for parking lot spaces every day except Sundays and legal holidays from 9:00 a.m. to 6:00 p.m. prevailing time[,]. [except on Fridays when the period of operation shall be from 9:00 a.m. to 9:00 p.m. prevailing time.] There shall be no parking in any parking lot whether metered or not between the hours of 12:00 midnight and 8:00 a.m. prevailing time, except that

parking shall be permitted between those hours at the discretion of the [Chief of Police] **Director of Parking** during a snow removal no-parking ban. The [Chief of Police,] **Director of Parking** in his/her discretion, may amend the hours of operation of the parking lots. The parking lots are hereby designated as follows: [Amended 10-5-1998; 10-6-2003]

- (1) Lot A is located on Washington Street connecting to Broad Street.
- (2) Lot B is located on Main Street directly across from Ferry Street.
- (3) Grand Street Lot is located at the corner of Main Street and Grand Street.
- (4) Broad Street Lot is located directly across from the Russell Library.
- (5) Riverview Garage is located on Dingwall Drive.
- (6) Riverview Parking Arcade is located on Court Street (Lower).
- (7) Melilli Plaza Lot is located between Washington Street and (Lower) Court Street.
- C. Coin to be deposited in meter when vehicle parked in space. When any vehicle shall be parked in any parking space alongside or next to which a parking meter is located, the operator of such vehicle shall deposit or cause to be deposited in the meter such proper coin as is designated by proper direction on the meter and set the parking meter in operation.
- D. Registration prima facie evidence of name of violator. In any prosecution or proceedings hereunder, the registration plate or license plate displayed on a motor vehicle shall constitute in evidence a prima facie presumption that the registered owner of such vehicle was the person who parked such vehicle at the place where such violation occurred.
- E. Violations; overtime parking.
- (1) No owner or operator shall cause, allow, permit or suffer any vehicle registered in the name of or operated by such person to be parked overtime, whether on a highway or in a parking lot, as is allowed by a meter or sign.
- (2) Whenever a vehicle remains in a parking space for a period of one hour after being cited for a violation of this Code of Ordinances it may also be cited additionally each one-hour period for overtime parking and the violator shall be subject to fines and penalties as provided for in this Code of Ordinances.
- F. Deposit of additional coins. No person shall deposit in any parking meter any coin for the purpose of parking beyond the maximum legal parking time for the particular parking meter zone.
- G. Improper parking. No person shall park any vehicle, whether on a highway or in a parking lot, across any line designating a parking meter space or nonmetered space. The vehicle shall be in such position that it is entirely within a space designated by such lines or markings. Vehicles parked on Main Street shall be positioned within the lines so that the right front wheel shall be within a distance of not more than 12 inches from the curb. In addition, no vehicle shall be parked so that the vehicle is backed into the stall, whether on a street with diagonal parking stalls or in a parking lot. No person shall park any vehicle in front of, or so as to obstruct or interfere with the ingress to or egress from, any private driveway or alley, except with the permission of the owner of such driveway or alley.
- H. Tampering, etc. with meters and/or signs. No person shall deface, injure, tamper with, open or willfully break, destroy, or impair the usefulness of any parking meter and/or sign.
- I. Depositing slugs. No person shall deposit or cause to be deposited in any parking meter any slug, device or metal substance or other substitute for lawful coins.
- J. Enforcement; report required. It shall be the duty of the Police Department and its officers and any other legally appointed person to enforce this section for the parking of a vehicle, using the facilities of the Parking Authority. It shall be the duty of enforcing officers to issue a ticket with the following information to report the following:
- (1) The number of the parking meter which indicates that the vehicle occupying the parking space is or has been parking in violation of any of the provisions of this section.
- (2) The state license and registration number of such vehicle.
- (3) The date and time such vehicle is parked in violation of this section.
- (4) Any other facts concerning such violation.
- K. Notice to be attached to vehicle parked in violation; contents of notice. The enforcing officer as provided in Subsection J shall attach to such vehicle a notice containing the information required by Subsection J, addressed to the owner or operator thereof, that such vehicle has been parked in violation of parking rules and regulations and shall instruct such owner or operator that payment of such sum or sums as prescribed on such notice shall be made either by mail or in person within 14 days to the Parking Authority or to such person and place as may be designated on such notice. Any disputes with respect to said notice must be made to the Parking Authority within five days of the date on the notice.
- L. Rates. The following rates are established as follows for parking in the designated areas: [Added 10-6-2003]
- (1) Parking meters (Main Street and side streets): [\$0.25] **\$0.50** per half hour, [\$0.10] **\$0.20** for 12 minutes, [\$0.05] **\$0.10** for six minutes; maximum of [two] three hours, per day.
- (2) Metered parking in lots: Lot A, Lot B, Grand Street Lot: [\$0.25] **\$0.75** per hour, with a maximum of 10 hours.
- [(3) Nonmetered parking: Lot A, Lot B, Grand Street Lot: maximum of two hours of free parking per day, per vehicle; only in nonmetered spaces.]
- (3) [(4)] Broad Street Lot (across from Russell Library): [\$0.25] **\$0.75** per [half] hour, **\$0.30** for **24 minutes**, [\$0.10] **\$0.15** for 12 minutes, \$0.05 for [six] four minutes; maximum of two hours, per day.

- (4) [(5)] Permit parking lots: [Melilli Plaza Lot,] Riverview Garage (lower level only) \$75.00, /Lot A, Lot B, Broad Street Lot and Grand Street Lot, permit parking: [\$55] \$150 per month, plus tax, per permit. [Amended 5-7-2007 by Ord. No. 06-07; 6-4-2007 by Ord. No. 11-07]
- **(5)** [(6) Booth lots:] **Reserve Control System Lots:** Melilli Plaza Lot, Riverview Parking Arcade (upper level only), public parking:
- (a) [Nonsenior citizen: two] **One** hour[s] of free parking, per vehicle, per day; [\$1] **\$0.75** (tax included) per hour, or part of any hour thereafter.
- [(b) Senior citizen: Four hours of free parking, per vehicle, per day; \$1 (tax included) per hour, or part of any hour thereafter.]
- (b) [(c)] Loss of ticket, [(for seniors and nonsenior citizens):] highest per-day rate.
- **(6)** [(7)] None of the above rates shall apply during times of emergency parking bans, winter snow bans, or institutions of negotiated contracts.
- M. Overnight parking is not allowed in any of the designated areas unless posted otherwise. [Added 10-6-2003]
- N. The [Chief of Police] **Director of Parking** or his or her designee will determine the availability of monthly permits. The permits must be clearly displayed within the vehicle for each appropriate limited parking area. Permits issued will be for a specific lot only and cannot be used for another lot. The Middletown [Police] **Parking** Department's [Parking Authority] office will issue month-to-month permits and collect the **applicable** fee [of \$45] for the above-listed lots. [Added 10-6-2003]
- O. Workforce Parking Program: For pre-qualified citizens earning less than \$31,000/year (adjusted income), \$2.50 per shift (up to 8 hours), per day at designated off-street parking locations.

Agenda Item

12

Description

Department, Committee, Commission Reports and Grant Approvals

Councilman Serra reads and moves for approval 12A, 12B, 12C, 12D, 12E, 12F, and 12G; Councilman Streeto seconds the motion. The Chair calls for the vote. The Chair states it is unanimous to approve with ten aye votes. He states all are adopted with ten affirmative votes, none opposed, none abstaining and two absent and not voting.

Agenda Item Description (Approved)

12A

Town Clerk Certification September 30, 2010

I, Sandra Russo Driska, City and Town Clerk of the City of Middletown, and custodian of the records and seal thereof, hereby certify that all ordinances and appropriations passed and adopted at the regular meeting of the Common Council on September 7, 2010 at 7:00 p.m. and specials meeting on September 7, 2010 at 6 p.m., and September 9, 2010 at 7 p.m., have been advertised in the local newspaper.

Attest:

Sandra Russo Driska City & Town Clerk

Agenda Item Description (Accepted)

12B

Monthly Reports

Finance Department – Transfer Report September 24, 2010 Public Works Monthly Report with summary Bldg Permits for August, 2010

Agenda Item Description (Approved)

12C

Grant Confirmation and Approval – Board of Education, Various Grants

 Name of Grant:
 As Listed Below

 Amount Requested:
 \$4,748,831.29

 Code:
 2450-33000-59405

Grant Period: From: 7/1/2010 To: 6/30/2011

Type of

Amount Loaned from General Fund: \$0.00

Department Administering Grant: Middletown Board of Education

When any department, commission, office or agency is the recipient of any federal, state or other grant allocated for specific purposes, these funds shall be immediately transferred to the specific unit which has made application for such grant. Confirmation and approval of such transfer shall be given at the next regularly scheduled sessions of the Common Council. Notwithstanding any other Charter provision, the action of the Common Council in confirming and approving such transfer shall be an appropriation; no public hearing thereon shall be required and said funds may then be expended for the purposes for which they were granted.

approving such transfer shall be an appropriation; no public hearing thereon shall be required and said funds may then be expended for the purposes for which they were granted.

Description of services to be provided by this Grant: 752 - Macdonough Fruits and Vegetables \$599; 771 - School-Family-Community Partnership \$2,000; 779 - ARRA Stabilization Ed Grant \$2,375,713; 813 - Adult Education Provider \$1,387,193; 841 - Special Ed Medicaid \$1,325; 843 - Even Start Family Literacy \$111,057; 852 - Universal Service Fund \$10,011.75; 865 - Youth Services Bureau \$31,633; 883 - Adult Education PIP \$205,800; 887 - Adult Education PIP-English Literacy \$29,400; 700 - Food Services Receipts \$94,734.68; 801 - Cigna Certified & Paras \$106,313.49; 803 - Workers' Compensation

\$901.02; 804 - Preschool Receipts \$3,692; 805 - Summer School Receipts \$40; 807 - Aetna Classified \$80.15; 809 Maintenance/Rentals \$6,090; 833 - Adult Education Receipts \$379,925; 893 - Fingerprinting Receipts \$982.45; 895 - Special Ed Tuition Reimbursement \$1,340.75 Total Special Programs Through 8/16/2010 \$2,692,228.72 ADDITIONS \$4,748,831.29 Total Special Programs Through 9/17/2010 \$7,441,060.01

Requested by: Michael J. Frechette, Ph.D.

Agenda Item Description (Approved)

12D

Grant Confirmation and Approval – Emergency Management – USAR

Program

USAR TASK FORCE SALARY REIMBURSEMENT

Name of Grant: Amount Requested: \$24,000.00

Code:

Grant Period: 6/30/2011 From: To:

Type of State

Amount Loaned from General Fund: \$24,000.00

Department Administering Grant: Emergency Management

When any department, commission, office or agency is the recipient of any federal, state or other grant allocated for specific purposes, these funds shall be immediately transferred to the specific unit which has made application for such grant. Confirmation and approval of such transfer shall be given at the next regularly scheduled sessions of the Common Council. Notwithstanding any other Charter provision, the action of the Common Council in confirming and approving such transfer shall be an appropriation; no public hearing thereon shall be required and said funds may then be expended for the purposes for which they were granted.

Description of services to be provided by this Grant: This grant is a transfer grant from the Middletown Fire Department to Emergency Management to assist the State Department of Emergency Management and Division of Homeland Security, Urban Search and Rescue Task Force with setup and procurement of equipment on a part time basis. As the USAR Task Force does not yet have a payroll system in place, this funding will allow for the member's compensation to be processed through the City payroll system. The City will receive \$2,000 per month for twelve months (one year) as long as the member is working with the USAR Task Force at which time, this grant will be complete.

Requested by: Bruce Driska

Agenda Item Description (Approved)

12E

Grant Confirmation and Approval – Park and Recreation, Activity Fund

Parks and Recreation Activity Account Name of Grant:

Amount Requested: \$70,000.00 Code: 2210-32000-59022 **Grant Period:** From: To:

Type of Amount Loaned from General Fund: \$0.00

Department Administering Grant: Recreation Division

When any department, commission, office or agency is the recipient of any federal, state or other grant allocated for specific purposes, these funds shall be immediately transferred to the specific unit which has made application for such grant. Confirmation and approval of such transfer shall be given at the next regularly scheduled sessions of the Common Council. Not-withstanding any other Charter provision, the action of the Common Council in confirming and approving such transfer shall be an appropriation; no public hearing thereon shall be required and said funds may then be expended for the purposes for which they were granted.

Description of services to be provided by this Grant: to pay salaries, supplies for the various programming offered through outreach and inclusion. For vendors who do various programs and special events for the department. To pay for other programming offered by the department throughout the year. This includes staff wages, supplies and entrance fees for some of the programming. Bus trips that we offer are paid from this account. We also purchase equipment and supplies needed for the various programs that

Requested by: Raymond Santostefano

Agenda Item Description (Approved)

Grant Confirmation and Approval – Public Works Recycling

Annual Sculpture Contest Name of Grant:

Amount Requested: \$100.00

Code: 2340-22000-59200 **Grant Period:** From: 7/1/2010 To: Type of Local Amount Loaned from General Fund: \$0.00

Department Administering Grant: Public Works - Recycling

When any department, commission, office or agency is the recipient of any federal, state or other grant allocated for specific purposes, these funds shall be immediately transferred to the specific unit which has made application for such grant. Confirmation and approval of such transfer shall be given at the next regularly scheduled sessions of the Common Council. Notwithstanding any other Charter provision, the action of the Common Council in confirming and approving such transfer shall be an appropriation; no public hearing thereon shall be required and said funds may then be expended for the purposes for which they were granted.

Description of services to be provided by this Grant: A donation of \$100 has been received from Bailey's Express Inc. of Middletown to purchase prizes for the Annual Sculpture Contest organized by the Recycling Coordinator.

Requested by: William Russo

Agenda Item Description (Approved)

Grant Confirmation and Approval – Health Department

Name of Grant: CRCOG (Capitol Region Council of Governments)

Amount Requested: \$20,073.90

Code:

Grant Period: 3/1/2010 **To**: 9/30/2010 From:

State Type of

Amount Loaned from General Fund: \$0.00

Department Administering Grant: Health Department
When any department, commission, office or agency is the recipient of any federal, state or

other grant allocated for specific purposes, these funds shall be immediately transferred to the specific unit which has made application for such grant. Confirmation and approval of such transfer shall be given at the next regularly scheduled sessions of the Common Council. Not-withstanding any other Charter provision, the action of the Common Council in confirming and approving such transfer shall be an appropriation; no public hearing thereon shall be required and said funds may then be expended for the purposes for which they were granted.

and said funds may then be expended for the purposes for which they were granted. **Description of services to be provided by this Grant:** Funds to subsidize salary for Middletown Medical Reserve Corps Unit Leader (J. Leonardi) to the City of Middletown general fund.

Requested by:

Joseph A. Havlicek, MD

Agenda Item Description (Approved)

Payment of City Bills

Councilman Serra moves to pay all bills that have been properly approved. Councilman Pessina seconds the motion. The Chair calls for the vote. It is nine aye votes by Council Members Serra, Loffredo, Klattenberg, Pessina, Daley, Bibisi, Kasper, Faulkner, and Kleckowski and one nay vote by Councilman Streeto. The Chair states the matter passes with nine affirmative votes, one in opposition, and two absent and not voting.

Agenda Item Description

Ordinances and Resolutions

Agenda Item

14-2

Councilman Loffredo reads and moves for approval agenda 14-2; Councilman Streeto seconds the motion. The Chair calls for the vote. It is unanimous to approve with ten aye votes. The Chair states the matter passes with ten affirmative votes, none in opposition, none abstaining, and two absent and not voting.

Resolution No. File Name Description

(Approved)

130-10

cchocr2010revised.doc

Approving sponsoring the Head of the Connecticut Regatta (Amending the resolution approved at the September meeting).

WHEREAS, the City of Middletown has been the sponsor of the Head of the Connecticut Regatta since its inception in 1975; and

WHEREAS, this event has greatly encouraged the development of amateur rowing in Middletown and has focused community, regional, State and northeastern United States attention on the City's revitalization of its riverfront; and

WHEREAS, the Middletown Lions Club, Inc. a non-profit corporation, will organize and administer to the annual Head of the Connecticut Regatta and will conduct the Regatta on October 10, 2010, its thirty-third year of rowing competition; and

WHEREAS, the Common Council of the City of Middletown finds it to be in the economic and recreational interest of the City of Middletown and neighboring towns, their residents and taxpayers to ensure the future success of this event; and

WHEREAS, the use of certain City-owned facilities, City personnel and City equipment is absolutely vital to the conduct of the Regatta.

NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF MIDDLETOWN: That, together with the Mayor, the Common Council of the City of Middletown thanks and congratulates all Regatta volunteers and participants on the City's 35^{TH} annual Regatta, an event which brings distinction to the City of Middletown and its rowing community;

BE IT FURTHER RESOLVED: That, the City of Middletown proudly continues to sponsor the Head of the Connecticut Regatta to be held on October 10, 2010; and

BE IT FURTHER RESOLVED: That the Common Council of the City of Middletown does designate and authorize the Middletown Lions Club, Inc., which shall provide liability and insurance coverage for its officers, directors, and volunteers, as agents of the City of Middletown naming the City as additional insured under such coverage, as the City's agent in all matters relating to the Regatta including use of City-owned facilities, equipment, Middletown High School motor launches and the Middletown Fire Department's pontoon utility craft for preparation and conducting the Regatta, as well as requesting cooperation, permits, etc. from local communities and State authorities; and

BE IT FURTHER RESOLVED: That, the Common Council of the City of Middletown offers priority use of Harborpark for the Regatta on Sunday, October 10, 2010; and

BE IT FURTHER RESOLVED: That, the Common Council of the City of Middletown acknowledges the necessity to secure authorization from the U.S. Coast Guard to restrict river traffic on October 10, 2010; and to discourage non-Regatta traffic on that day; and

BE IT FURTHER RESOLVED: That, the Common Council of the City of Middletown authorizes both the Middletown Police Department and the Middletown Lions Club to restrict non-essential vehicular traffic on Harbor Drive as deemed necessary in order to accommodate the functioning of the Regatta; and

BE IT FURTHER RESOLVED: That all City vending licenses are suspended on Harbor Drive on October 10, 2010; and

BE IT FURTHER RESOLVED: That, the Common Council of the City of Middletown does request that the Departments of Public Works, Park & Recreation, Police, Fire, Health, Water and Sewer, and the Harbor Improvement Agency and City Harbor Master to render all such assistance and support as may be required to ensure the public health and safety of the many participants and visitors of the Regatta.

Fiscal Impact: The Police Department budgets \$4,800 for this event; the Fire Department budgets marine rescue service at overtime costs of approximately \$1,500; Park and Recreation provide an estimated cost of \$4,885 and the Health Department does food inspection at a cost of \$90.78, neither are budgeted. Public Works has not provided services.

Agenda Item

14-3

Councilwoman Kasper reads and moves for approval agenda item 14-3; her motion is seconded by Councilman Streeto.

Councilman Streeto states he will support this and he is supportive for moving forward this action as rapidly as possible and we should get a resolution for them before the budget season.

The Chair calls for the vote. It is seven aye votes by Council Members Serra, Loffredo, Klattenberg, Daley, Kasper, Streeto, and Faulkner; and three nay votes by Council Members Pessina, Bibisi, and Kleckowski. The Chair states the matter passes with seven affirmative votes, three negative votes, and two absent and not voting.

Resolution No. File Name Description

131-10

cccasualtyfundrepaylawsuitclaims.doc

Approving returning all monies to the Property and Casualty Insurances Fund that have been used for paying legal fees for the Board of Education versus City of Middletown and finding an alternative funding source for the legal fees for this continuing court case.

(APPROVED)

Whereas, money has been expended from the Property and Casualty Insurances Fund to pay for services to the law firm of Shipman and Goodwin, Atty. Brian Clemow, for work performed on the Board of Education verses the City of Middletown law suit; and

Whereas, the Middletown Code of Ordinances state that under Section 23-6 Insurance and Claims Committee B. The Committee shall review all claims by and against the City for approval of recommendations made by the City Attorney; and

Whereas, the Insurance and Claims has NOT reviewed this law suit as a claim against the City; and

Whereas, Article VIII of the Middletown Code of Ordinances provides for a Property and Casualty Insurances Fund, and the fund can only be used for property and casualty insurance expenditures and claims; and

Whereas, the Board of Education verses City of Middletown lawsuit was submitted to the City's insurance carrier, CIRMA, and was rejected as a covered property and casualty claim.

Now, therefore be it resolved by the Common Council of the City of Middletown: That all money expended for the lawsuit Middletown Board of Education versus City of Middletown be returned to the Property and Casualty Insurances Fund; and

Be it further resolved: That other alternative action be taken to expend money for this lawsuit either as being requested from the departmental budget or a request for an appropriation to defend the City of Middletown in the action taken by the Board of Education.

Fiscal Impact: There are no expenditures associated with this resolution; however, there is a negative impact on the Property and Casualty Insurances Fund. This fund is authorized and funded by the Council during the budgeting process for these specific claims only. Each year, each of the five budgets are assessed and these funds are placed into the Property and Casualty Insurances Fund line item to cover only these types of incidents for all departments. At the end of the year, the financial statement of the City has to account for the potential liability of the City for all property and casualty claims and for 2009, the City's exposure was \$2.4 million (this was more than the balance in the fund line item at the end of fiscal year 2009). By using funds for on-going legal fees not recognized by CIRMA, the City will have to appropriate funds not only for the liability of outstanding claims, but also for these legal expenses. Thus far, two bills have been paid for legal expenses; the first was \$17,097 and the second, \$14,888.50.

Agenda Item

14-4

Councilman Daley reads and moves for approval agenda item 14-4; his motion is seconded by Councilman Serra. There is no discussion. The Chair calls for the vote. It is unanimous to approve with ten aye votes. The Chair states the matter passes with ten affirmative votes, none in opposition, none abstaining, and two absent and not voting.

Resolution No. File Name Description

132-10

pcdMMAgreementModification.doc

Approving the amendment and modification to Contract for Sale of land for Phase 3 of the Middlesex Mutual Redevelopment Project and

(APPROVED)

approving the \$15,000 settlement be deposited into the Economic Development Fund Balance.

WHEREAS, the City of Middletown has negotiated an Amendment and Modification to Contract for Sale of Land for Phase 3 of the Middlesex Mutual Redevelopment Project (see attached); and

WHEREAS, the amendment requires that any future development of the site have minimum 50,000 square feet of building area on the site and requires the approval of the Redevelopment Agency, Planning and Zoning Commission and the Economic Development Committee and the Common Council: and

WHEREAS, the amendment requires Middlesex Mutual to pay \$15,000 to the City of Middletown Economic Development Fund for legal expenses in the negotiation of the amendment in order to reimburse the Economic Development Fund; and

WHEREAS, the Redevelopment Agency approved the amendment and at the September 13, 2010 meeting of the Economic Development Committee (EDC) the Committee voted unanimously to recommend to the Common Council the approval of the amendment to settle the dispute over Phase 3 of the Middlesex Mutual Redevelopment Project.

NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF MIDDLETOWN:

That the amendment and modification to Contract for Sale of Land for Phase 3 of the Middlesex Mutual Redevelopment Project be approved and the \$15,000 settlement be deposited into the Economic Development Fund balance.

BE IT FURTHER RESOLVED: That the Mayor is authorized to sign all documents to effectuate this agreement.

FINANCIAL IMPACT –There is no impact to the general fund. The \$15,000 is being returned to reimburse the Economic Development Fund to pay for legal representation in the matter.

Agenda Item

14-5

Councilman Serra reads and moves agenda item 14-5 for approval and his motion is seconded by Councilman Pessina. The Chair, seeing no discussion indicated, calls for the vote. It is unanimous to approve with ten aye votes. The Chair states the matter passes with ten affirmative votes, none in opposition, none abstaining, and two absent and not voting.

Resolution No. File Name Description

133-10

pryouthsprtalloc2010-11.doc

Approving the allocation for the Park and Recreation Department Sports/Recreational Grants as listed on the resolution.

(APPROVED)

BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF MIDDLETOWN: That the 2010–2011 City of Middletown budget allocated \$40,000.00 for Sports/Recreational Grants, account 1000-26500-59200-0738-00000-0000-000 and **Be It Further resolved:** That the Parks and Recreation Commission recommended the funds be disbursed as follows:

Agencies	Amount
Middletown Tiger Youth Football & Cheerleading	\$10,000.00
Middletown Youth Soccer, Inc.	\$10,000.00
Prof. Gallitto Boys Basketball	\$5,500.00
Ahern Whalen Baseball League	\$7,500.00
Prof. Gallitto Girls Basketball	\$3,200.00

Agenda Item

14-6

Councilman Streeto reads and moves for approval agenda item 14-6; his motion is seconded by Councilwoman Kasper. The Chair states the matter has been moved and seconded and calls for the vote. It is unanimous to approve with ten aye votes. The Chair states the matter passes with ten affirmative votes, none in opposition, none abstaining, and two absent and not voting.

Resolution No. File Name Description

134-10

pwlocipappriverviewcenterimprovementsphasell.doc

Approving authorizing the Mayor to sign a LoCIP application with the State of Connecticut for \$25,000 for repairs and improvements for the Riverview Center Parking Garage Improvements – Phase II; approving a new capital improvement line item entitled Riverview Center parking Garage Improvements – Phase II be established; and approving a loan from the general fund to be repaid upon receipt of grant funds.

(APPROVED)

BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF MIDDLETOWN: That Mayor Sebastian N. Giuliano be authorized to sign an application to the State of Connecticut for \$25,000 from the Local Capital Improvement Program (LOCIP) for additional repairs and improvements to the top level of the Riverview Center Parking Garage; and

BE IT FURTHER RESOLVED: That a new Capital Improvement line item entitled Riverview Center Parking Garage Improvements – Phase II be established and that a loan be approved from the General Fund and repaid upon receipt of grant funds.

Agenda Item

14-7

Councilman Klattenberg reads and moves for approval agenda item 14-7; Councilman Streeto seconds the motion. Seeing no discussion, the Chair calls for the vote. Councilman Pessina abstains from the vote. It is nine affirmative votes by the members present and voting. The Chair states the matter passes with nine affirmative votes, none in opposition, one abstaining, and two absent and not voting.

Resolution No. File Name Description

135-10

pwdaniels810bldrefund

Approving a building permit refund to Daniels Propane LLC in the amount of \$15.16 for work cancelled.

(APPROVED)

BE IT RESOLVED BY THE COMMON COUNCIL. OF THE CITY OF MIDDLETOWN:

That a Building Permit refund be issued to Daniels Propane LLC, 8 High Street, Portland, CT 06480 in the amount of \$15.16 for work that was canceled.

Agenda Item

14-8

Councilman Faulkner reads and moves for approval 14-8 and his motion is seconded by Councilwoman Kleckowski. The Chair calls for the vote. It is unanimous to approve with ten aye votes. The Chair states the matter passes with ten affirmative votes, none opposed, none abstaining, and two absent and not voting.

Resolution No. File Name Description

136-10

emusarloan2010-11.doc

Approving a loan from the general fund for Emergency Management in the amount of \$24,000 for the USAR grant to be repaid upon receipt of grant funds from the State of Connecticut.

(APPROVED)

Be it Resolved by the Common Council of the City of Middletown: That a loan from the general fund for Emergency Management be approved in the amount of \$24,000 to be used for the USAR grant (formerly within the Fire Department but transferred by the State of Connecticut Department of Homeland Security to Emergency Management) with said loan to be repaid upon receipt of State grant funds.

Agenda item

14-9

Councilman Klattenberg reads and moves for approval agenda item 14-9; his motion is seconded by Councilman Serra. The Chair calls for the vote. It is unanimous to approve with ten aye votes. The Chair states the matter passes with ten affirmative votes, none in opposition, none abstaining and two absent and not voting.

Resolution No. File Name Description

137-10

pkdbidwaiverAmanoCollsysPkgArcade(5).doc

Approving a bid waiver in accordance with Chapter 78-8 of the Middletown Code Of Ordinances to allow Xenelis Construction to install the Amano Revenue Collection system at the Riverview Parking Garage at a cost not to exceed \$155,000.

(APPROVED)

Whereas, in order to efficiently operate the Riverview Center Parking Garage, an Amano McGann revenue collection system must be installed which produces a ticket to those entering the lot and assesses the parking charge upon exiting; and

Whereas, the Public Works Department competitively bid the Melilli Parking lot construction project including the Amano McGann revenue collection system; and

Whereas, it is important to purchase the same system in order to standardize on software at all city parking lots to create efficiencies in reporting and management of revenue collected; and

Whereas, the awarded vendor through the Melilli Parking lot project has agreed to hold the same unit pricing for the collection system for the Riverview Center Parking Garage; and

Whereas, since Xenelis Construction will be installing the Armano system at Melilli Plaza, and crews are already on site, it would be financially beneficial and more timely for the City to use Xenelis to install the Amano system at the Riverview Center Parking Garage as well; and

Whereas, the Parking Department already has \$155,000 allocated for this project for the purchase of the revenue collection system and installation; and

Whereas, because the majority of the cost of the project was competitively bid and Xenelis Construction is familiar with the system and installation, the Purchasing & Standardization Committee members unanimously approved the bid waiver after consulting with the Parking Director and Public Works Director.

NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF MIDDLETOWN: That in accordance with Chapter 78-8 of the Middletown Code of Ordinances, the competitive bidding requirement is hereby waived to allow Xenelis Construction to install the Amano revenue collection system.

Agenda Item

14-10

Councilman Streeto reads and moves for approval agenda item 14-10; his motion is seconded by Councilman Daley. The Chair, seeing no discussion indicated, calls for the vote. It is unanimous to approve with ten aye votes. The Chair states the matter passes with ten affirmative votes, none in opposition, none abstaining and two absent and not voting.

Resolution No. File Name Description

138-10

pwbidwaiverXenelisRiverviewCtr.doc

Approving a bid waiver in accordance with Chapter 78-8 of the Middletown Code of Ordinances to all Xenelis Construction to make improvements and repairs to the Riverview Center parking Garage in an amount not to exceed \$35,000.

(APPROVED)

Whereas, in 2009, the Purchasing Department received pricing for repairs through a competitive process for the improvements to the Riverview Center Parking Garage; and

Whereas, the prices received came in over budget and in addition required the garage to be closed for 30 days while repairs were made; and

Whereas, Xenelis Construction recently submitted a quote for improvements which is within budget, and more importantly, will allow the garage to remain open while repairs are made; and

Whereas, \$35,000 was already approved through the Local Capital Improvement Program for these improvements and repairs; and

Whereas, since Xenelis Construction is the awarded contractor for the Melilli Plaza project and crews and equipment are already on site, it would be financially beneficial and more timely for the City to use Xenelis for these repairs; and

Whereas, the Purchasing & Standardization Committee members unanimously approved the bid waiver after consulting with the Parking Director and Public Works Director.

NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF MIDDLETOWN: That in accordance with Chapter 78-8 of the Middletown Code of Ordinances, the competitive bidding requirement is hereby waived to allow Xenelis Construction to make improvement and repairs to the Riverview Center Parking Garage in the amount up to \$35,000.

Agenda Item Description

16

Contingency Fund Transfers

The Chair states there are no contingency fund transfers to announce at this time.

Agenda Item

17

Description

Questions to Directors on Nonagenda Items

There are no questions to directors on nonagenda items.

Motion to Adjourn

Councilwoman Kleckowski moves to adjourn and her motion is seconded by Councilman Klattenberg. There is no discussion and the vote is called. It is unanimous to adjourn and the Chair declares it at 12:24 p.m.

ATTEST:

MARIE O. NORWOOD Common Council Clerk